

FEDERAL REGISTER

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Washington, Saturday, May 26, 1945

The President

EXECUTIVE ORDER 9555

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE ILLINOIS CENTRAL RAILROAD COMPANY AND ITS EMPLOYEES

WHEREAS a dispute exists between the Illinois Central Railroad Company, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Firemen and Enginemen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the states of Illinois, Wisconsin, Iowa, Nebraska, Indiana, Missouri, Kentucky, Tennessee, Mississippi, Alabama and Louisiana to a degree such as to deprive those states of essential transportation services:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be peculiarly or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Illinois Central Railroad Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 24, 1945.

[F. R. Doc. 45-5836; Filed, May 24, 1945;
3:18 p. m.]

Regulations

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-18 (a)]

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

CANNED ASPARAGUS

In the matter of a proposal to amend the definition and standard for canned asparagus (10 F.R. 3778).

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. secs. 341 and 371); the Reorganization Act of 1939 (53 Stat. 561 ff., 5 U.S.C. sec. 133, Supp. V. 1939); Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record at the above entitled hearing (it being found after examination of said record that no controversy with respect to the subject of the hearing exists between the persons who appeared at the hearing and that issuance of a final order without prior publication of a proposed order will promote the purposes of the Act) the following order is hereby promulgated:

Findings of fact. 1. Canned asparagus is customarily packed with water as the packing medium. Recently efforts have been made to utilize as an alternate packing medium the liquid pressed from parts of the sprout of the asparagus plant which are not now used for canning. This liquid is commonly known as asparagus juice. It is subject to fermentation; the fermented juice is unsuited for use as a packing medium in canned asparagus.

2. Experimental packs of canned asparagus in which a clear asparagus juice was used as the packing medium have recently been made in California and Delaware. This juice was prepared from asparagus sprouts and pieces of sprouts which were washed, steamed, pressed, and suspended matter removed from the

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Book 1: Titles 1-31, including Presidential documents in full text.

Book 2: Titles 32-50, with 1943 General Index and 1944 Codification Guide.

The complete text of the Cumulative Supplement (June 1, 1938-June 1, 1943) is still available in ten units at \$3.00 each.

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recovered juice. Canned asparagus in these packs was satisfactory.

3. Canned asparagus in which asparagus juice is used as the packing medium does not differ significantly in appearance and taste from canned asparagus in which water is used as the packing medium, but it contains somewhat larger proportions of several nutrients normally present in canned asparagus.

4. No packs with a mixture of water and asparagus juice as the packing medium were reported but such a mixture can be used. The difference between water and a mixture of asparagus juice and water diminishes as the proportion of water increases. A packing medium consisting of asparagus juice and water should be considered as water.

5. Consumers are interested in causes of variations in appearance, taste, and food value of a canned food and should be informed of the use of asparagus juice as the packing medium in canned asparagus. A label declaration which will be informative and readily understood when asparagus juice is used as the packing medium is the statement "Packed in Asparagus Juice."

Conclusion. On the basis of the foregoing findings of fact, it is concluded that the following amendments to the definition and standard of identity for canned asparagus (21 C. F. R., Cum. Supp., 52.990) will promote honesty and fair dealing in the interest of consumers and such amendments are hereby promulgated:

Section 52.990 is amended by substituting a comma for the period at the end of the first sentence in paragraph (c) and adding "and asparagus may be canned with added water, asparagus juice, or a mixture of both. For the purpose of this section asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the asparagus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus."

By adding the following subparagraph to paragraph (f):

(4) If asparagus juice is used as a packing medium in canned asparagus, the label shall bear the statement "Packed in Asparagus Juice".

The amendments hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

Dated: May 23, 1945.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 45-8848; Filed, May 25, 1945;
10:10 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

INCREASES IN WAGE AND SALARY RATES

The National War Labor Board has amended General Order No. 30 to read as follows:

§ 803.30 *Increases in wage or salary rates below 55 cents per hour.* In accordance with the provisions of section 4 of Title II of Executive Order 9250, increases in wage or salary rates which do not bring such rates above 55¢ per hour, may be made without the approval of the National War Labor Board. Increases above 50¢ per hour made hereunder may not, however, furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justified reductions in such price ceilings.

(E.O. 9250, 7 F.R. 7871)

Approved: May 23, 1945.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-8847; Filed, May 25, 1945;
9:32 a. m.]

TITLE 31—MONEY AND FINANCE:
TREASURYChapter I—Monetary Offices, Department
of the TreasuryPART 131—GENERAL LICENSES UNDER EX-
ECUTIVE ORDER NO. 8389, APRIL 10, 1940,
AS AMENDED, AND REGULATIONS ISSUED
PURSUANT THERETOAUTHORIZATION OF PAYMENTS FOR LIVING EX-
PENSES FROM CERTAIN BLOCKED ACCOUNTS

MAY 25, 1945.

General License No. 11, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 11 is hereby amended to read as follows:

§ 131.11 *General License No. 11—(a) Certain payments for living expenses from certain blocked accounts authorized.* A general license is hereby granted authorizing payments and transfers of credit in the United States from blocked accounts in domestic banking institu-

tions held in the name of an individual within the United States to or upon the order of such individual, *Provided, That:*

(1) Such payments and transfers of credit are made for the living, traveling and similar personal expenses in the United States of such individual or his family; and

(2) The total of all such payments and transfers of credit made under this general license from the accounts of such individual does not exceed \$1000 in any one calendar month.

(b) *Duty of banking institutions acting under this license.* Banking institutions effecting any such payment or transfer of credit shall satisfy themselves that the terms of this license are complied with.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regs., Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-8850; Filed, May 25, 1945;
10:42 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 937—ZINC

[Conservation Order M-11-b, Direction 1]

ADDITIONAL USE OF ZINC FOR COATING OR
PLATING DURING THE SECOND AND THIRD
QUARTERS OF 1945

The following direction is issued pursuant to Conservation Order M-11-b:

Under paragraph (e) (1) of Conservation Order M-11-b the use of zinc for applying a protective coating or plating (other than paint) is allowed for articles not on List A or List B to the extent of 100% of the amount lawfully used for the same purpose during the fourth quarter of 1944. An additional 20% of the amount used in the fourth quarter of 1944 may be used in the aggregate during the second and third quarters of 1945. This additional amount may be used entirely in either the second or third quarter or may be divided in any way between them.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8881; Filed, May 25, 1945;
11:30 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Direction 3, as Amended May 25, 1945]

CONTAINERS

The following amended direction is issued pursuant to Priorities Reg. 3:

(a) *What this direction does.* This direction provides for the use of allotment symbols and preference ratings assigned for the purchase of MRO (maintenance, repair and operating supplies) to buy material for making wooden crates and wooden shipping containers in certain specified cases and points out that the use of allotment symbols and preference ratings assigned for the purchase of MRO to buy materials to make containers in other cases is improper. It does not permit the use of MRO symbols and ratings to get fabricated containers or cut to size parts of containers.

(b) *Case where the MRO symbol and rating may be used.* In any one of the following cases a person may use an allotment symbol or rating assigned to him for the purchase of MRO by CMP Regulation No. 5, CMP Regulation 5A or by any order in the P or U series, to buy material, including controlled material, needed for making wooden crates or other outer wooden shipping containers for packing his own products:

(1) Where the person is a controlled materials producer and the containers to be made are for packaging the controlled materials that he produces.

(2) [Deleted May 25, 1945.]

(3) Where the person does not buy in any calendar quarter more than 50,000 board feet of lumber for making containers and parts of containers.

(c) *Cases where the MRO symbol or rating must not be used.* A person must not use an allotment symbol or rating assigned to him for the purchase of MRO by CMP Regulation No. 5, CMP Regulation No. 5A or by any order in the P or U series to buy:

(1) Materials (except fittings as defined in paragraph (a) (4) of Order P-152) needed to make any containers other than wooden crates or outer wooden shipping containers. For instance, he may not use the symbol or rating to buy fibreboard for boxes, paper for bags, or metal for cans or drums, regardless of the amount of the material he uses and regardless of whether he makes the containers or parts for sale to others or for packing his own product.

(2) Material (except fittings as defined in paragraph (a) (4) of Order P-152) needed for making any containers (or parts of containers) for sale empty to others.

(3) Materials (except fittings as defined in paragraph (a) (4) of Order P-152) needed for making wooden crates or other outer wooden shipping containers or parts (whether for packing his own products or for resale) if he buys more than 50,000 board feet of lumber in any calendar quarter for this purpose, except where the person is a controlled materials producer and the containers to be made are for packaging the controlled materials that he produces.

(d) *Applications for allotments or ratings where MRO symbol or rating cannot be used.* Any person who cannot use his MRO rating and symbol to get materials to make containers, and who needs an allotment of controlled material or a preference rating to get them, may apply to the War Production Board on Form CMP-4B, WPB-2613 (formerly PD-870) or other appropriate forms.

(e) *Interpretation No. 4 of CMP Regulation No. 5 superseded.* This direction super-

sedes Interpretation No. 4 of CMP Regulation No. 5.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8889; Filed, May 25, 1945; 11:29 a. m.]

PART 944—REGULATIONS APPLICABLE TO OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Direction 13]

EXTENSION OF RATINGS FOR INCANDESCENT, FLUORESCENT AND GLOW DISCHARGE LAMPS

The following direction is issued pursuant to Priorities Reg. 3:

(a) *Definitions.* For the purpose of this direction:

(1) "Incandescent lamp" means any hermetically-sealed lamp or bulb, designed primarily to produce light, which makes use of a metal or carbon filament or metal wire, strip, foil or compound as the source of light.

(2) "Fluorescent lamp" means any hermetically-sealed electric discharge lamp or tube (other than a cold-cathode tube) in which the radiant energy from the electric discharge is converted by suitable phosphor coatings into visible wave lengths.

(3) "Glow discharge lamp" means any hermetically-sealed electric discharge lamp or tube (other than a fluorescent lamp) containing gases or vapors and designed to operate at impressed voltages of less than one thousand volts.

(b) No person may extend a preference rating under paragraph (d) (3) of Priorities Regulation 3 to replace in his inventory any incandescent, fluorescent or glow discharge lamp except as stated below:

(1) A person who has received a rated order for the delivery of any lamp in any one group in paragraph (c) of this direction, may not extend the rating for any lamp in any other group.

(2) A person who has received a rated order for any lamp in one group may extend it for any other lamps in that same group.

(3) In all other respects the rules stated in Priorities Regulation 3 apply to the use of ratings to get incandescent, fluorescent, and glow discharge lamps.

(c) *Groups of lamps.*

Group I. General service large tungsten filament lamps. This group includes only the following lamps:

Bulb	Volts	Watts	Base	Bulb finish
A-15		15	Med.	Diff., clear
A-19		25	Med.	Diff., clear, Dy.
A-19		40	Med.	Diff., clear
A-19		60	Med.	Diff., clear, Dy.
A-21		100	Med.	Diff., clear
PS-25	115,	150	Med.	Diff., clear, Dy.
PS-30	120,	200	Med.	Diff., clear, Dy.
PS-35	125	300	Med.	Diff., clear
PS-35		300	Mog.	Diff., clear, Dy.
PS-40		500	Mog.	Diff., clear, Dy.
PS-52		750	Mog.	Diff., clear
PS-52		1,000	Mog. Clamp.	Diff., clear
PS-52		1,500	Mog. Clamp.	Diff., clear

Group II—All other large tungsten filament lamps.

Group III—Miniature lamps.

Group IV—Sealed beam lamps.

Group V—Photoflash lamps.

Group VI—Fluorescent lamps.

Group VII—Glow discharge lamps.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8890; Filed, May 25, 1945; 11:29 a. m.]

PART 1010—SUSPENSION ORDERS
[Suspension Order S-732, Amdt. 1]

ARTEX SCREEN PRINT CO.

David Schneider, doing business as Artex Screen Print Company, was suspended on March 6, 1945, by Suspension Order No. S-732. He appealed from the provisions of the suspension order on April 6, 1945. The Chief Compliance Commissioner has reviewed the case, and has directed that the suspension order be amended.

In view of the foregoing it is hereby ordered, that: § 1010.732. *Suspension Order No. S-732*, issued March 6, 1945, be amended by the substitution of the following paragraph for the first paragraph of the order.

David Schneider has been doing business as Artex Screen Print Company at 109 Spring Street, New York City, since November, 1943. The premises had previously been occupied by City Screen Print Corporation which was in the business of printing textiles by the use of dyes under a quota of dyestuffs granted to it by the War Production Board. In the fall of 1943, City Screen Print Corporation moved to Glendale, Long Island, New York, where it continued in the business of textile printing. It sold certain of its equipment used at the Spring Street premises to David Schneider, who applied to the War Production Board for a quota and failed to advise the War Production Board that the City Screen Print Corporation was continuing in business. The War Production Board, acting without knowledge that the City Screen Print Corporation was continuing in business, on February 17, 1944, permitted Artex Screen Print Company to use the quota of Class "C" and "D" dyes under Conservation Order M-103, formerly assigned to City Screen Print Corporation under which Artex Screen Print Company could purchase and use Class "D" dyes of a value of \$599.69. This quota belongs only to City Screen Print Corporation, which is still in existence and using the quota.

Issued this 24th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8840; Filed, May 24, 1945; 4:34 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-787]

LIBERTY INCANDESCENT SUPPLY CO.

Liberty Incandescent Supply Company, a corporation located at 805 Liberty Avenue, Pittsburgh, Pennsylvania, is engaged in the business of retailing electrical lighting fixtures and accessories, including fluorescent lighting fixtures. Between October 4 and December 20, 1944, it sold and delivered new fluorescent lighting fixtures and parts on orders which did not bear preference ratings, a violation of Limitation Order L-78. The responsible officers of the corporation were familiar with the provisions of Limitation Order L-78, and its ac-

tions constituted wilful violations of that order.

These violations have hampered and impeded the war effort of the United States by diverting materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.787 *Suspension Order No. S-787.* (a) Liberty Incandescent Supply Company, its successors and assigns, shall not for a period of four months from the effective date of this order apply or extend any preference ratings in its purchase of new fluorescent lighting fixtures and parts, unless otherwise specifically authorized in writing by the War Production Board.

(b) The provisions of paragraph (a) above shall not apply to deliveries of materials required to fill any order of or contract with the Army, Navy, Maritime Commission or any other governmental department or agency of the United States.

(c) Nothing contained in this order shall be deemed to relieve Liberty Incandescent Supply Company, its successors or assigns, from any restriction, prohibition, or provisions contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the 25th day of May 1945.

Issued this 18th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8872; Filed, May 25, 1945;
11:28 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, Direction 4 as Amended May 25, 1945]

WAREHOUSE STOCK REPLACEMENT ORDERS OF COPPER WIRE MILL WAREHOUSES

The following amended direction is issued pursuant to CMP Reg. 4:

(a) Copper wire mill "Warehouses", as defined in paragraph (e) (3) of CMP Regulation 4, are authorized to enter Warehouse Stock Replacement Orders for copper wire mill products with producers or other warehouses, *Provided:*

(1) Such orders are to replace copper wire mill products (equivalent number of pounds of copper content) previously delivered on authorized controlled material orders from warehouse stock, in accordance with CMP Regulation 4, and not previously ordered from producers or other warehouses.

(2) Each such order is marked "Warehouse Stock Replacement Order pursuant to the provisions of Direction 4 to CMP Regulation 4; our Company No. is —."

(3) And the total amount ordered in any calendar month does not exceed thirty-three and one-third percent (33 1/3 %) (equivalent number of pounds copper content) of deliveries from warehouse stock during the second calendar quarter of 1944, as reported to the War Production Board on Form WPB-3009. This limitation shall not apply to warehouses located in the states of California, Oregon, and Washington.

(4) In addition, and irrespective of deliveries previously made from stock, "Warehouses" may until July 1, 1945 enter "Deferred Warehouse Stock Orders" *Provided*, The total amount so ordered in any calendar month does not exceed thirty-three and one-third percent (33 1/3 %) of deliveries made from stock during the second calendar quarter of 1944, as reported to the War Production Board on Form WPB-3009.

(1) Each such order must be marked "Deferred Warehouse Stock Order pursuant to the provisions of Direction 4 to CMP Regulation 4; Our company number is —."

NOTE: A "Deferred Warehouse Stock Order" is not a "ZW order" referred to in paragraph (f) (2) (1) of CMP Regulation 4. This Direction will be amended as of July 1, 1945, to provide for "ZW" orders.

(b) Beginning with the first calendar quarter of 1945, a copper wire mill warehouse must file delivery reports on Form WPB-3009, in accordance with the instructions on that form.

(c) "Warehouse replacement" authorization letter WPB 1-1047 (CMPL-485) dated October 21, 1943, is cancelled. Warehouse Replacement Directive Letter CMPL-266 (GA-185-5/28/43) addressed to Copper Wire Mills is cancelled.

(d) *Treatment of warehouse orders by producers and other warehouses.* (1) A controlled material producer shall treat a "Warehouse Stock Replacement Order" as an authorized controlled material order. A warehouse may, but is not required to, accept a "Warehouse Stock Replacement Order" received from another warehouse. If it accepts the order, it shall treat it as an authorized controlled material order.

(2) A controlled material producer shall treat a "Deferred Warehouse Stock Order" the same as an order bearing an allotment symbol whose initial letter is "Z" and fill it only pursuant to Direction 54 to CMP Regulation 1. Direction 60 to CMP Regulation 1 shall not apply to "Deferred Warehouse Stock Orders". A warehouse must not fill a "Deferred Warehouse Stock Order" received from another warehouse; but may extend it to a producer for direct shipment.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8873; Filed, May 25, 1945;
11:29 a. m.]

PART 3281—PULP AND PAPER

[Limitation Order L-279, as Amended May 25, 1945]

PAPER SHIPPING SACKS

§ 3281.91 *Limitation Order L-279—* (a) *Definitions.* For the purposes of this order:

(1) "Paper shipping sack" means any new single-wall, duplex, or multi-wall paper sack designed for use as (i) a primary container for packing a particular commodity for storage or shipment, (ii) a container shipping sack for combining a number of packages of a particular commodity into a single shipping unit, or (iii) an overslip shipping sack for cover-

ing a single package of a particular commodity for shipment. This does not include the following: sacks designed as liners for outer containers, combination textile-paper bags (bags made of textile laminated with paper), grocers and variety bags (as defined in Order L-261), bags made wholly from cellophane, glassine, parchment, or waxed paper, or flat envelope types of containers made on envelope machines (such as lithographic seed envelopes).

(2) "Single-wall sack", "duplex sack", and "multi-wall sack" mean, respectively paper shipping sacks made with one wall, with two walls, and with more than two walls.

(3) "Sack manufacturer" means any person engaged in the business of manufacturing paper shipping sacks for sale or for his own use in packing any commodity produced or processed by him.

(4) "Commercial user" means any person who uses paper shipping sacks for packing any commodity produced or processed by him.

Restrictions

(b) *Restrictions on manufacture and use—*(1) *Restrictions on use of pulp and on deliveries of shipping sack papers.* All pulp allocated on Form WPB-2973, Sub-Schedule D-2 Items #054100 and #054900 must be used only for the manufacture of shipping sack paper. No paper manufacturer shall deliver shipping sack paper if he knows or has reason to know that it will be used other than in the manufacture of paper shipping sacks. No sack manufacturer or commercial user may receive or use shipping sack paper for any purpose other than to manufacture paper shipping sacks.

(2) *Restrictions on paper manufacture.* No sack manufacturer shall manufacture any paper shipping sack made of shipping sack paper which does not conform to all applicable restrictions of each schedule of this order.

(3) *Restrictions on use.* No commercial user may use a paper shipping sack made of shipping sack paper for any other purpose than those listed on Appendix A. In addition, no commercial user may use more paper shipping sacks per annum, made of shipping sack paper, to package fish meal, fish scrap, tankage, meat scrap, apples, dessert preparation, or pet food than he used for those purposes in 1944. The provisions of this paragraph shall not apply to paper shipping sacks used for delivery to the Army, Navy, Maritime Commission or War Shipping Administration, nor to the Foreign Economic Administration for empty shipping sacks when shipped to or for the Armed Forces of the United States.

(c) *Restrictions on users' inventories.* No commercial user shall, at any time, accept delivery of paper shipping sacks which will increase his supply to more than the larger of the following amounts (this restriction applies to all paper shipping sacks, whether or not of the sizes and styles or for the commodities specifically mentioned in any schedule of this order):

(1) A total of 1 1/2 carloads of all sizes and styles for all commodities (exclusive of sacks then in transit to him); or

(2) Reasonably anticipated requirements of each size and style for any particular non-seasonal commodity during the next 60 days after the delivery of the sacks or any particular seasonal commodity during the next 120 days after the delivery of the sacks (with a 1/2-car leeway in either case, where necessary to round out a full car).

(d) *Inventories of multiple-unit organizations.* Any commercial user who maintains an inventory of paper shipping sacks at more than one location may, at his option, apply the inventory restrictions of paragraph (c) above either to the inventory of each such location separately or to the collective inventory of all such locations.

Wet Strength Paper Markings

(e) *Wet strength paper markings after December 1, 1943.* All wet strength paper used in the manufacture of single-wall, duplex and multi-wall paper shipping sacks must be distinctly colored, stained, printed or marked for identification purposes with longitudinal stripes, spaced not less than 2" nor more than 10" centers across the paper width and each stripe is to be not less than 1/8" in width. No other grade of paper used in such shipping sacks is to be striped as above. When wet strength paper is used as the outer ply of the shipping sacks, the identification must appear on the external surface. The provisions of this paragraph shall not apply to stocks on hand on October 27, 1943.

Miscellaneous Provisions

(f) *Certification to the seller of paper shipping sacks by the buyer.* No commercial user may order or accept delivery of paper shipping sacks, and no person may deliver paper shipping sacks to a commercial user unless the buyer furnishes, or has previously furnished, to the person making delivery, certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose.

The undersigned certifies, subject to the penalty of section 35A of the U. S. Criminal Code, to the seller and to the War Production Board that he is familiar with the order L-279 and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

The above certificate must be used and the certification provided for in Priorities Regulation Number 7 may not be used in its place and stead.

This is a one-time certification and need not accompany each individual order for paper shipping sacks.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Paper Division, Washington 25, D. C., Ref: L-279.

(i) *Violations.* Any person who willfully violates any provision of this or-

der, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I: General restrictions—(a) Applicability. Except as otherwise specifically stated in this schedule, the provisions of this schedule shall apply, on and after July 19, 1943, to the manufacture of any paper shipping sack designed for packing the following:

(1) Sugar and lime in any quantity of 25 lbs. or more.

(2) Flour and cereal products in any quantity over 50 lbs.

(3) Any other commodity in any quantity over 25 lbs.

These restrictions are in addition to all other applicable restrictions of this order and all schedules of this order.

(b) *Prohibited paper finishes.* No paper with embossed, super-calendared, or special machine finish shall be used for the sacks of the kinds described in paragraph (a) of this schedule.

(c) [Deleted, Oct. 27, 1943]

(d) *Permitted paper grades.* No paper of any grade except the following shall be used for the sacks of the kinds described in paragraph (a) of this schedule.

Plain natural kraft and colored kraft.

Kraft-and-hard fibre combinations (for single-wall and duplex sacks only).

Mildew-proof paper.

Oil-treated paper.

Water-repellent paper.

Wet-strength paper.

Paper especially processed for protecting commodities (such as asphalt, chemicals, molten rosin) which, because of their physical or chemical characteristics, require the protection of such paper.

(e) *Permitted paper grades for Appendix B.* Asphalted paper (paper laminated, impregnated, coated or infused with asphaltic compounds), paraffined paper and moisture-proof paper may only be used for paper shipping sacks to package the items listed on Appendix B.

(f) *Permitted basis weights.* Basis weights shall be computed on the basis of 500 24" x 36" sheets per ream, with a tolerance of 5% (plus or minus).

(1) *For single-wall and duplex sacks.* No plain natural kraft, plain bleached kraft, kraft-and-hard-fibre combination, or wet-strength paper of any basis weight except the following shall be used for single-wall and duplex sacks of the kinds described in paragraph (a) of this schedule:

30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 125, 130 lbs., also, for packing carbon black only, 35 lbs., also

(2) *Multi-wall sacks.* No plain natural kraft or wet-strength paper of any basis weight except the following shall be used for multi-wall sacks of the kinds described in paragraph (a) of this schedule:

40, 50, 60, and 70 lbs. only.

(g) [Deleted, Oct. 27, 1943]

SCHEDULE II: Additional restrictions for certain sacks—(a) Applicability. The restrictions of this Schedule are in addition to any other applicable restrictions of this order and all schedules of this order.

(b) *Restrictions on sack sizes.* No sack manufacturer shall manufacture any paper shipping sack designed for packing any commodity listed below, except in any size of more than 100 lbs. or in any of the sizes specified below for that commodity:

Sack designed for packing commodity specified (1)	Sack size (net weight capacity unless otherwise specified) (2)
Beans.....	2-5-10-25-50-100 lbs.
Cement (standard portland).....	94 lbs.
Flour (milled wheat) 1.....	2-5-10-25-50-100 lbs.
Meal.....	2-5-10-25-50-100 lbs.
Plaster (gypsum).....	2-5-10-25-50-100 lbs. (gross weight)
Potatoes.....	2-5-10-15-25-50-100 lbs.
Processed feed (mixed, mill).....	2-5-10-25-50-100 lbs.
Rice.....	2-3-5-10-15-25-50-100 lbs.
Salt.....	2-4-10-25-50-100 lbs.
Seeds 2.....	2-5-10-25-50-100 lbs.
	1, 2 bu.
Starch (corn).....	2-5-10-25-50-100 lbs.
Sugar (refined cane, beet).....	2-5-10-25-50-100 lbs.

1 "Flour (milled wheat)" means any flour product produced by milling wheat, including blends of wheat flours and bleached, bromated, enriched, phosphated, and self-rising flours, but excluding durum wheat products (semolina), farina, pancake flour, and cake flour.

2 Additional sizes are permitted as follows: 1/2 bu. for hybrid seed corn; 3 bu. for cotton seed.

(c) *Exceptions.* The size restrictions of paragraph (b) above shall not apply to the manufacture of paper shipping sacks which are:

(1) To be exported, empty, by the sack manufacturer.

(2) Ordered by a user for packaging any listed commodity to be exported by him, provided the sack manufacturer receives from the user a statement on the purchase order that the sacks ordered for the packing of the listed commodities are for export.

(3) Manufactured to meet the packaging specifications of and for delivery to, or for the account of, the Army, Navy, Maritime Commission, War Shipping Administration, or any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(4) Of the container or overslip types of sacks.

(d) [Deleted, Oct. 27, 1943]

APPENDIX A

AGRICULTURAL PRODUCTS

Alfalfa meal, bulk, 25 lbs. or more.

Apples fresh or dry, bulk, 25 lbs. or more.

Baking powder, bulk, 25 lbs. or more.

Barley, bulk, 25 lbs. or more.

Beans and peas—Not less than 50 lbs. when packed in container shipping sacks.

Beet pulp, bulk, 25 lbs. or more.

Blood, bulk, 25 lbs. or more.

Candy (export liners only), bulk, 25 lbs. or more.

Cereals—Not less than 30 # when packed in container shipping sacks.

Cigars and cigarettes (export liners only), bulk, 25 lbs. or more.

Coco, bulk, 25 lbs. or more.

Cocoa, bulk, 25 lbs. or more.

Coconut shredded.

Coffee—Not less than 12 # when packed in container shipping sacks.

Copra meal, bulk, 25 lbs. or more.

Corn-dry, bulk, 25 lbs. or more.

Corn flour cereal binder, bulk, 25 lbs. or more.

Corn meal—Not less than 24 lbs. when packed in container shipping sacks.
 Corn sugar, bulk, 25 lbs. or more.
 Cotton seed, bulk, 25 lbs. or more.
 Cottonseed meal, cake and hulls, bulk, 25 lbs. or more.
 Dessert preparations—Dry.
 Distillers dried grains and solubles, bulk, 25 lbs. or more.
 Dough improver, bulk, 25 lbs. or more.
 Doughnut mix, bulk, 25 lbs. or more.
 Fat, hard, bulk, 25 lbs. or more.
 Feed and food (See paragraph (b) (3)):
 Pet—Not less than 48# when packed in container shipping sacks.
 Livestock and poultry—Not less than 50 lbs. when packed in container shipping sacks.
 Mineral—Not less than 50 lbs. when packed in container shipping sacks.
 Oyster shell grits—Not less than 50 lbs. when packed in container shipping sacks.
 Flour—Not less than 24# when packed in container shipping sacks.
 Goldenrod, bulk, 25 lbs. or more.
 Linseed meal, bulk, 25 lbs. or more.
 Malt dextrine, bulk, 25 lbs. or more.
 Malt syrup, dried, bulk, 25 lbs. or more.
 Maltin, bulk, 25 lbs. or more.
 Meal, cracker—Not less than 50 lbs. when packed in container shipping sacks.
 Meal, fish—Not less than 50 lbs. when packed in container shipping sacks.
 Milk, dried and powdered, bulk, 25 lbs. or more.
 Molasses, dry, bulk, 25 lbs. or more.
 Orange pulp, bulk, 25 lbs. or more.
 Pancake flour—Not less than 24 lbs. when packed in container shipping sacks.
 Peanuts, shelled, bulk, 25 lbs. or more.
 Peanut meal, bulk, 25 lbs. or more.
 Peat, bulk, 25 lbs. or more.
 Pectin.
 Potatoes—Not less than 50 lbs. when packed in container shipping sacks.
 Rice—Not less than 24# when packed in container shipping sacks.
 Seeds—Not less than 24# when packed in container shipping sacks.
 Soap, industrial, bulk, 50 lbs. or more.
 Soup powder, bulk, 25 lbs. or more.
 Soy bean flour and meal—Not less than 24# when packed in container shipping sacks.
 Soya milk, bulk, 25 lbs. or more.
 Spices, bulk, 25 lbs. or more.
 Starch—Not less than 50 lbs. when packed in container shipping sacks.
 Stearic acid, bulk, 25 lbs. or more.
 Stearine, bulk, 25 lbs. or more.
 Sugar—Not less than 60 lbs. when packed in container shipping sacks.
 Vegetables, dehydrated.

BUILDING MATERIALS

Calsomine, bulk, 5 lbs. or more.
 Cement, bulk:
 Portland.
 High early.
 White portland.
 Oil well.
 Insulating.
 Plastic.
 Waterproof.
 Masonry.

Glass wool, bulk, 25 lbs. or more.
 Gypsum, bulk, 2 lbs. or more.
 Masonry mortars, bulk, 25 lbs. or more.
 Mineral wool, bulk, 25 lbs. or more.
 Mortar, bulk, 25 lbs. or more.
 Mortar mix, bulk, 25 lbs. or more.
 Plaster, bulk, 2 lbs. or more.
 Plaster of Paris, bulk, 2 lbs. or more.
 Stucco, bulk, 25 lbs. or more.
 Whitewash, bulk, 5 lbs. or more.

CHEMICALS AND PIGMENTS

Alpha flocc.
 Alpha protein.

Activated alum.
 Activated carbon.
 Agar-agar.
 Alum.
 Aluminum hydrate.
 Aluminum oxide.
 Aluminum salts.
 Aluminum stearate.
 Ammonium salts.
 Bark, tanning.
 Basic slag.
 Bicarbonate of soda (sodium bicarbonate).
 Bichromate of soda.
 Bone black.
 Borax.
 Boric acid.
 Calcium arsenate.
 Calcium carbide.
 Calcium salts.
 Calcium silicate.
 Carbon black.
 Casein.
 Catalysts.
 Charcoal.
 Chemicals—Aromatic and intermediate.
 Citric acid.
 Colors.
 Copper sulfate.
 Cupric chloride.
 Cyanamid.
 Detergents, alkaline.
 Dicyandiamid.
 Disinfectants and germicides.
 Drugs.
 Dye intermediate.
 Fat soluble vitamins.
 Fatty alcohols.
 Ferric sulfate.
 Ferrous sulfate.
 Fertilizer, including super phosphate.
 Fire extinguisher charger.
 Flux.
 Gelatin.
 Guanidine nitrate.
 Gums, natural and synthetic.
 Hexachlorethane.
 Insecticides and fungicides.
 Iron oxide.
 Kelp.
 Lead arsenate.
 Lead formate.
 Lead silicate.
 Lead sulfate.
 Licorice extract (dry, powdered).
 Lime, (hydrated).
 Lime, (quick).
 Limestone.
 Lithopone.
 Magnesium salts.
 Manganese salts.
 Melamine resins.
 Metal treating and processing compounds.
 Moulding material.
 Naphthalene.
 Paint.
 Phthalic anhydride.
 Pigments.
 Pitch.
 Plaster of Paris.
 Potash salts.
 Quebracho.
 Resins, natural and synthetic.
 Riboflavin.
 Rosin size.
 Rubber accelerators.
 Rubber processing chemicals.
 Salt (sodium chloride).
 Silica gel, silicic acid.
 Smoke mix.
 Sodium salts.
 Strontium carbonate.
 Sulfate—lead.
 Sulfur.
 Tanning extracts.
 Thermit.
 Thiourea.
 Titanium dioxide.
 TNT.

Ultramarine blue.
 Urea.
 White lead.
 Whiting (Ca CO₃).
 Zinc borate.
 Zinc sulphate.
 Zirconium salts.

MINERALS

Abrasives, bulk, 25 lbs. or more.
 Alluvial silt, bulk, 25 lbs. or more.
 Aluminum alloys, bulk, 25 lbs. or more.
 Aluminum flake, bulk, 25 lbs. or more.
 Aluminum magnesium, bulk, 25 lbs. or more.
 Alumite, bulk, 25 lbs. or more.
 Amijel, bulk, 25 lbs. or more.
 Antimony oxide, bulk, 25 lbs. or more.
 Aplite rock, bulk, 25 lbs. or more.
 Asbestos, bulk, 25 lbs. or more.
 Asphalt filler, bulk, 25 lbs. or more.
 Barytes and other barium products, bulk, 25 lbs. or more.
 Bauxite, bulk, 25 lbs. or more.
 Beryllium ore.
 Bindarene flour, bulk, 25 lbs. or more.
 Carbonettes, bulk, 25 lbs. or more.
 Celestite ore.
 Cement, carbide, bulk, 25 lbs. or more.
 Cement, refractory, bulk, 25 lbs. or more.
 Cement, silica, bulk, 25 lbs. or more.
 Chrome ore and chromite, bulk, 25 lbs. or more.
 Clay, fire, bulk, 25 lbs. or more.
 Clay and talc, bulk, 25 lbs. or more.
 Core compound, bulk, 25 lbs. or more.
 Cryolite, bulk, 25 lbs. or more.
 Cyanite (kyanite), bulk, 25 lbs. or more.
 Diatomaceous earth, bulk, 25 lbs. or more.
 Drilling mud, bulk, 25 lbs. or more.
 Feldspar, bulk, 25 lbs. or more.
 Ferroalloys and alloying metals, bulk, 25 lbs. or more.
 Flint, bulk, 25 lbs. or more.
 Fluorspar, bulk, 25 lbs. or more.
 Frit, bulk, 25 lbs. or more.
 Fuller's earth.
 Glaze spar, bulk, 25 lbs. or more.
 Graphite, bulk, 25 lbs. or more.
 Ilmenite ore.
 Iron ore, ground.
 Iron pyrites.
 Lithium ores.
 Magnesite, bulk, 25 lbs. or more.
 Magnesium oxide, bulk, 25 lbs. or more.
 Magnesium, bulk, 25 lbs. or more.
 Magnesol, bulk, 25 lbs. or more.
 Manganese ore, bulk, 25 lbs. or more.
 Mica, bulk, 25 lbs. or more.
 Nickel oxide.
 Nickel salts, bulk, 25 lbs. or more.
 Pumice, bulk, 25 lbs. or more.
 Pumicite, bulk, 25 lbs. or more.
 Pyrophyllite, bulk, 25 lbs. or more.
 Quartz, bulk, 25 lbs. or more.
 Roofing granules, bulk, 25 lbs. or more.
 Silica, bulk, 25 lbs. or more.
 Silica flour, bulk, 25 lbs. or more.
 Slate flour (dust or granules), bulk, 25 lbs. or more.
 Soapstone, bulk, 25 lbs. or more.
 Spar, bulk, 25 lbs. or more.
 Sprayed asbestos, bulk, 25 lbs. or more.
 Tungsten ore, bulk, 25 lbs. or more.
 Vermiculite.
 Wollastonite ore.
 Zirconium ore.

MISCELLANEOUS

Activated sponge, bulk, 25 lbs. or more.
 Aluminum powder, bulk, 25 lbs. or more.
 Antimony oxide, bulk, 25 lbs. or more.
 Asphalt, bulk, 25 lbs. or more.
 Bags, empty.
 Binder twine.
 Cadmium dust, bulk, 25 lbs. or more.
 Coal.
 Coke.

Copper dust, bulk, 25 lbs. or more.
 Cork, bulk, 25 lbs. or more.
 Corn cob meal, bran and flakes, bulk, 25 lbs. or more.
 Dry ice.
 Emery.
 Ferro manganese, bulk, 25 lbs. or more.
 Fire clay, bulk, 25 lbs. or more.
 Glass globules, bulk, 25 lbs. or more.
 Glues and pastes, dry.
 Lead wool, bulk, 25 lbs. or more.
 Metal cans, empty.
 Rubber dust, bulk, 25 lbs. or more.
 Rubber, reclaimed, bulk, 25 lbs. or more.
 Rubber, synthetic and guayule, bulk, 25 lbs. or more.
 Seacoal, bulk, 25 lbs. or more.
 Waxes and greases, bulk, 25 lbs. or more.
 Wood flour, bulk, 25 lbs. or more.
 Zinc oxide, bulk, 25 lbs. or more.

APPENDIX B—ASPHALTED, PARAFFINED AND MOISTURE-PROOF PAPER

These types of paper may only be used in the manufacture of paper shipping sacks designed to package the following products:

NOTE: Asphalted, paraffined and moisture-proof papers may be used in any paper shipping sack used for the shipment of any commodity by or to the Army, Navy, Maritime Commission and War Shipping Administration for either domestic or export shipment. The use of these papers is permitted in paper shipping sacks used to ship commodities for commercial export.

These papers may be used by Foreign Economic Administration in any empty shipping sack shipped by Foreign Economic Administration to or for the Armed Forces of the United States. All other Foreign Economic Administration requirements for empty paper shipping sacks are subject to the restrictions of Appendix B.

Activated carbon.
 Alpha protein.
 Aluminum hydrate, light.
 Ammonia alum.
 Ammonium chloride.
 Ammonium nitrate.
 Antimony oxide.
 Asphalt.
 Baking powder.
 Barium chloride.
 Bichromate of potash.
 Bichromate of soda.
 Bindarene flour (core compound Lignin Pitch).
 Borax, anhydrous.
 Calcined magnesium sulfate.
 Calcium arsenate.
 Calcium chloride.
 Calcium magnesium chloride.
 Calcium oxide (quicklime).
 Cement (high early, oil well, white portland, insulating, plastic, waterproof and refractory).
 Clay bentonite.
 Coconut shredded.
 Copper sulfate.
 Corn sugar.
 Cotton seed.
 Cupric chloride.
 Cyanamid.
 Dessert preparations—dry.
 Detergents, alkaline.
 Di-lithium sodium phosphate concentrate.
 Disinfectants and germicides.
 Di-sodium phosphate.
 Distillers dried grains and solubles.
 Dough improver.
 Doughnut mix.
 Fat soluble vitamins.
 Ferric sulfate.
 Ferromanganese.
 Ferrous sulfate.
 Fertilizer.
 Fire clay.

Guanidine nitrate.
 Insecticides and fungicides.
 Lead arsenate.
 Licorice extract (dry, powdered).
 Lime (hydrated—for spray only).
 Limestone, (ground (used for mine dust only)).
 Magnesium carbonate.
 Magnesium oxide.
 Manganese sulfate.
 Malt dextrine.
 Melamine resins.
 Milk, skimmed (powdered).
 Molasses (dry, powdered).
 Mono ammonium phosphate.
 Mono-sodium phosphate.
 Monocalcium phosphate.
 Naphthalene flakes.
 Peat.
 Pectin.
 Pet food.
 Phthalic anhydride.
 Potash alum.
 Potassium carbonate.
 Potassium chloride.
 Potassium nitrate.
 Potatoes, dehydrated.
 Quebracho and myrobalin.
 Rosin size (hygroscopic types).
 Rubber accelerators.
 Rubber processing chemicals.
 Salt (sodium chloride).
 Smoke mix.
 Sodium acid pyro-phosphate.
 Sodium aluminate.
 Sodium aluminum sulfate.
 Sodium bisulfate, anhydrous.
 Sodium carbonate (soda ash).
 Sodium chromate.
 Sodium fluoride.
 Sodium fluorosilicate.
 Sodium hexametaphosphate.
 Sodium metaphosphate.
 Sodium metasilicate.
 Sodium nitrate.
 Sodium sesquicarbonate.
 Sodium silicate.
 Sodium sulfate (glaucers salt).
 Sodium sulfide.
 Sodium thiosulphate.
 Soups.
 Sugars (brown, pulverized and fine grained granulated).
 Tanning extract (dry).
 Tetra sodium pyrophosphate.
 Thiourea.
 T. N. T.
 Tri-sodium phosphate.
 Truline binder.
 Urea.
 Vegetables, dehydrated.
 Zinc ammonium chloride.
 Zinc sulfate.

[F. R. Doc. 45-8880; Filed, May 25, 1945; 11:29 a. m.]

PART 3286—MISCELLANEOUS MINERALS [Conservation Order M-199, as Amended May 25, 1945]

SILVER

Section 3286.51 *Conservation Order M-199* is hereby amended to read as follows:

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of silver for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public

interest and to promote the national defense:

- (a) Definitions.
- (b) Restrictions upon sale or delivery of silver by suppliers.
- (c) Restrictions upon sale or delivery of foreign silver by manufacturers.
- (d) Restrictions upon purchase, acceptance of delivery, and processing of foreign silver by manufacturers.
- (e) Authorization to purchase silver from the United States Treasury.
- (f) Special directions as to distribution of silver.
- (g) Restrictions on holding of scrap silver.
- (h) Limitations of inventories.
- (i) Fungibility of silver stocks recognized.
- (j) Exceptions.
- (k) Restrictions on sale and purchase of manufactured products.
- (l) Reports.
- (m) Miscellaneous provisions.

§ 3286.51 *Conservation Order M-199—*

(a) *Definitions.* For the purposes of this order:

(1) "Silver" means silver bullion, semi-fabricated forms of silver, silver scrap and other secondary forms of silver, and any alloy, compound, salt, or mixture containing more than one-half of one percent of silver by weight. Articles containing silver which have been discarded from the use for which they were originally designed or intended because of obsolescence, defects, or other reasons shall be deemed to be scrap or secondary silver. Silver salts, compounds, or mixtures, which are prepared for sale at retail for the personal use of the purchaser and not for use in the manufacture of a product or in a process for commercial sale, are not considered silver.

(2) "Domestic silver" means any silver which has been produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions, and any silver which has been held or owned by the United States and has been sold pursuant to the provisions of Public Law 137, 78th Congress, 1st Session, approved July 12, 1943 (57 Stat. 520), as extended by Public Law 519, 78th Congress, 2d Session, approved December 20, 1944.

(3) "Foreign silver" means any silver except that which is domestic silver. Subject to the provisions of paragraph (g) (3), scrap generated by manufacturers from the processing of domestic silver shall also be considered to be foreign silver if it does not remain in the ownership of the manufacturer whose processing operations produced it: *Provided, however*, That domestic silver scrap produced by suppliers in semi-fabricating operations may be sold by such suppliers to manufacturers as domestic silver casting metal.

(4) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(5) "Manufacturer" means any person who uses silver by incorporating it physically in the finished products or parts thereof which he manufactures or who uses or consumes silver in any man-

ufacturing, testing, laboratory, educational, therapeutic, plating, or repairing process. The term shall include any person who furnishes silver to a manufacturer under toll agreement to be processed and returned in semi-processed or finished form.

(6) "Supplier" means any person regularly engaged in the business of importing, smelting, or refining silver, or in the business of selling silver to manufacturers and other suppliers. The term includes any person who may import, smelt, or refine silver for his own use as a manufacturer.

(7) "Put into process" means the first change by the manufacturer in the form of the material from that form in which it was received by him.

(8) "Process" means cut, draw, machine, stamp, melt, mix, compound, cast, forge, roll, turn, spin, plate, solder or weld together or otherwise shape or change in form or chemical composition.

(b) *Restrictions upon sale or delivery of silver by suppliers.* (1) No supplier shall sell or deliver silver except to

- (i) Another supplier; or
- (ii) A manufacturer; or
- (iii) The United States; or

(iv) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(2) No supplier shall sell or deliver foreign silver to a manufacturer except to fill orders for uses on List A.

(3) No supplier shall sell or deliver silver to any person if he knows or has reason to believe such silver is to be received or used in violation of the terms of this order.

(c) *Restrictions upon sale or delivery of foreign silver by manufacturers.* No manufacturer shall sell or deliver foreign silver except to:

- (1) A supplier; or
- (2) Another manufacturer known by the seller to be entitled to use foreign silver; or
- (3) The United States; or
- (4) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(d) *Restrictions upon purchase, acceptance of delivery, and processing of foreign silver by manufacturers.*—(1) *Uses on List A.* On and after July 29, 1943, no manufacturer shall purchase, accept delivery of, put into process, or process any foreign silver for any use other than a use on List A.

(2) *Brazing alloys and solders.* On and after September 6, 1943, no manufacturer shall put into process any foreign silver in the manufacture of brazing alloys or solders, but he may complete the processing of any foreign silver already put into process by him on September 6, 1943, for any such use.

(e) *Authorization to purchase silver from the United States Treasury.* Purchases of silver from the United States Treasury pursuant to Public Law 137, 78th Congress, 1st Session, approved July 12, 1943 (57 Stat. 520), as extended by Public Law 519, 78th Congress, 2d Session, approved December 20, 1944, shall be made only upon specific authorization

of the War Production Board. Any supplier or manufacturer desiring such authorization may apply by letter to the War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., Ref: M-199.

(f) *Special directions as to distribution of silver.* From time to time the War Production Board may issue special directions to individual suppliers and manufacturers, specifying the sources, destinations, and amounts of silver (foreign or domestic) to be delivered or acquired by them.

(g) *Restrictions on holding of scrap silver.* (1) No manufacturer shall purchase or accept delivery of silver of any kind (foreign or domestic) if he has on hand more than a thirty days' accumulation of scrap silver, whether foreign, domestic, or any combination thereof, exclusive of wastes, such as mirror wastes, polishings, and sweepings, unless such accumulation aggregates less than 1,000 ounces, fine silver content.

(2) No manufacturer shall have scrap silver melted, reformed, and redelivered to him under toll agreement if by such redelivery his inventory of each kind of silver will be in excess of a minimum practicable working inventory.

(3) A manufacturer may cause domestic silver scrap owned by him to be melted and reformed into primary forms and then may sell such primary forms as domestic silver.

(h) *Limitations of inventories.* No manufacturer shall accept delivery of silver, in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory of each kind of silver.

(i) *Fungibility of silver stocks recognized.* Although this order deals with two kinds of silver (foreign and domestic) which are separately defined, and imposes restrictions which vary in their application, it is recognized that both kinds of silver are physically identical. Accordingly, nothing in this order shall be deemed to require any person holding two kinds of silver to keep them physically segregated. It is also understood that a person who holds only one kind of silver at a particular moment may be called upon to deliver or to use the other kind of silver. In such cases, the person holding the one kind of silver may change part or all of his stock of such silver to silver of the other kind simply by selling part of his stock to a supplier, ordering an equivalent amount, silver content, of the different kind of silver required for his purposes and paying or receiving the difference in price. For the purposes of this order, physical delivery to the supplier of the silver being sold and physical delivery by the supplier of the different kind of silver being purchased are not required in order to change the character of the silver involved from the kind in stock to the kind being purchased. At no time shall any person sell silver of any kind in excess of the amount of silver of that kind,

fine silver content, owned by him. For the purposes of this order, silver owned by a person shall be deemed to include, in the case of suppliers only, silver which such supplier has contracted to purchase under a firm written contract calling for the delivery of a specific amount of silver of a specific kind within a specific period, not exceeding five months from the date of the contract.

(j) *Exceptions.*—(1) *United States Government.* None of the restrictions in this order as to sale, purchase, delivery, acceptance of delivery, or use of silver shall be applicable to the United States Government or any of its departments or agencies: *Provided, however,* This exception shall not be deemed to extend to a manufacturer who manufactures items for delivery to or for the account of the United States Government or any of its departments or agencies.

(2) *Repair.* Notwithstanding the restrictions in this order, any person may put into process or process foreign silver owned by him weighing in the aggregate not more than three fine troy ounces for the purpose of making a specific repair of any used article on or off the premises of the owner. Foreign silver may not be purchased or received for use in making repairs except as to List A articles. The term "repair" as used in this paragraph shall include the replating of used articles, provided the article was originally made of silver or silver-plated material, but it shall not include remodeling, alteration or change in the original design of the article.

(k) *Restrictions on sale and purchase of manufactured products.* No person whether manufacturer, wholesaler, jobber, distributor, dealer, retailer, or consumer, shall sell, purchase, deliver, or accept delivery of any article made in whole or in part of silver if he knows or has reason to believe that it was made, assembled, or delivered contrary to the restrictions contained in this order.

(l) *Reports.* Each producer, each supplier, and each manufacturer shall file Form WPB-1855 or WPB-1857, if required to do so by the instructions for the form. Each producer, each supplier, each manufacturer, and every other person affected by this order shall also file such reports as may be requested from time to time by the War Production Board, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(m) *Miscellaneous provisions.*—(1) *Appeals.* Any appeal from this order shall be made by letter, in triplicate, filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. The letter shall refer to the particular provisions appealed from and shall state fully the grounds of the appeal. All correspondence concerning appeals must also be filed in triplicate. The procedure governing appeals, including the need for a statement of manpower requirements, is explained in Priorities Regulation 16.

(2) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provi-

sions of War Production Board regulations as amended from time to time.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., Ref: M-199.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Liabilities previously incurred.* This order, as amended, shall not affect any liabilities incurred for violation of this order, or of actions taken by the War Production Board under this order, before its amendment.

(6) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—PERMITTED USES OF FOREIGN SILVER UNDER CONSERVATION ORDER M-199

Regardless of rated orders, these are the only uses permitted for foreign silver; domestic silver is also permitted for these uses without limit:

1. Manufacture of medicines and health supplies, including, without limitation, dental, surgical, veterinary, and optical (including spectacle frames) instruments, appliances, and equipment.
2. Manufacture of photographic film, photographic papers, and photographic chemicals, and use in any photographic process.
3. Manufacture of electrical contacts and other silver products or parts used for electrical current carrying purposes.
4. Manufacture of engineering instruments; manufacture of chemical apparatus; and manufacture of equipment used in the manufacture of chemicals.
5. Use of brazing alloys or solders manufactured of foreign silver prior to July 29, 1943, or manufactured since that date pursuant to the temporary exception set forth in paragraph (d) (2).
6. Use by a laboratory. "Laboratory" means any person engaged in the business of carrying on scientific or technological investigation, testing, development or experimentation, to the extent that he is so engaged. The term includes research laboratories, production control laboratories, testing laboratories, analytical laboratories, clinical laboratories, and instructional laboratories. It does not include any person to the extent that he is engaged in the manufacture of products for commercial sale, even though the place in which the products are manufactured may be called a laboratory.
7. Manufacture of bearing material, bearings, and parts of bearing assemblies.

[F. R. Doc. 45-8882; Filed, May 25, 1945; 11:30 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-199, Revocation of Interpretation 1]

Interpretation 1 to Conservation Order M-199 is no longer applicable and is revoked.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8886; Filed, May 25, 1945; 11:30 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-199, Revocation of Interpretation 2]

Interpretation 2 to Conservation Order M-199 is no longer applicable and is revoked.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8887; Filed, May 25, 1945; 11:30 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-199, Revocation of Direction 1]

USE OF TREASURY SILVER IN THE MANUFACTURE OF EMBROIDERED INSIGNIA, LACE, STRIPES, AND BRAID FOR USE IN OFFICERS' UNIFORMS

Direction 1 to Conservation Order M-199 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8883; Filed, May 25, 1945; 11:31 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-199, Revocation of Direction 2]

MANUFACTURE OF ROLLED GOLD PLATE AND GOLD FILLED STOCK CONTAINING MORE THAN 1/2 OF 1% OF SILVER BY WEIGHT, EXCLUSIVE OF THE SILVER CONTENT OF THE KARAT GOLD, IF ANY

Direction 2 to Conservation Order M-199 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8884; Filed, May 25, 1945; 11:31 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-199, Revocation of Direction 3]

REMOVAL OF DISTINCTION BETWEEN TREASURY SILVER AND DOMESTIC SILVER

Direction 3 to Conservation Order M-199 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8885; Filed, May 25, 1945; 11:31 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-42, Revocation of Schedule V]

PLUMBING FIXTURE FITTINGS AND TRIM

Section 3288.16 *Schedule V to Limitation Order L-42* is revoked.

This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. The manufacture and delivery of Plumbing Fixture Fittings and Trim remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8877; Filed, May 25, 1945; 11:28 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-185, Revocation]

WATER HEATERS

Section 3288.51 *Limitation Order L-185* is revoked.

This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. The manufacture and delivery of water heaters remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8878; Filed, May 25, 1945; 11:28 a. m.]

PART 3289—RADIO AND RADAR DIVISION
[General Limitation Order L-265, Interpretation 4]

RESTRICTIONS UNDER PARAGRAPH (b) OF ORDER L-265 UNAFFECTED BY PR-27

The following interpretation is issued with respect to General Limitation Order L-265:

Several questions have arisen with respect to the effect of Priorities Regulation 27 on the restrictions on the manufacture of electronic equipment contained in Order L-265.

Priorities Regulation 27 provides priorities assistance for manufacturers needing limited amounts of production materials and states the conditions under which the ratings assigned by the regulation may be used. Paragraph (g) (2) of Priorities Regulation 27 specifically points out that persons who operate under that regulation must comply with all applicable WPB orders and regulations which prohibit or restrict (by quotas or otherwise) the manufacture of products, the use of materials, and the purchase and sale of commodities.

Priorities Regulation 27 does not relax in any way the restrictions on the manufacture of electronic equipment under Order L-265. Under paragraph (b) (1) of that order no producer may manufacture any electronic equipment except (1) to fill preferred orders or (2) to fill, under the Controlled Materials Plan, any authorized production schedule or authorized program, as defined in CMP Regulation 1, except a schedule or program authorized under Priorities Regulation 25. Priorities Regulation 27 does not establish any authorized production schedule or authorized program for electronic equipment, nor may the AA-4 rating assigned by the regulation be used to purchase complete equipment such as radios or phonographs since these are not production materials.

Paragraph (g) (3) of Priorities Regulation 27 points out that that regulation does not permit a person to purchase material for inventory contrary to the inventory restrictions of Priorities Regulation 1, CMP Regulation 2, or other applicable orders and regulations. Under § 944.14 of Priorities Regulation 1 this means that the priorities assistance granted by Priorities Regulation 27 may not be used to build up an inventory of component parts in anticipation of starting or resuming civilian production. While paragraph (b) (4), § 944.14 of Priorities Regulation 1 does allow the acceptance of a 30-day inventory in anticipation of starting or resuming civilian production, such an inventory is permitted only if it can be obtained without priorities assistance. Under Order L-265 the only electronic components that can be purchased without priorities assistance are those which are supported by a supplier's or consumer's certificate. It should be emphasized that the use of these certificates is limited to the receiving of repair parts and can not be used to obtain inventories for future production.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8879; Filed, May 25, 1945;
11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-388,
Direction 4]

RATINGS FOR LININGS AND OTHER COMPONENT FABRIC PARTS

The following direction is issued pursuant to General Preference Order M-388:

(a) *Definitions.* As used in this direction: (1) "Linings and other textile component parts" means linings, bindings, stays, trimmings, pocketings and other textile component parts made of broad woven fabric other than body fabric.

(2) "Manufacturer", "fabric", "rayon", and "cotton" have the same meanings as in the definitions in paragraph (n) (3) of M-388.

(b) *Assignment of ratings.* Manufacturers of items shown on the attached list are assigned a preference rating of AA-4 for linings and other textile component parts. The use of this rating by the manufacturer must comply with the following conditions:

(1) He must be a "manufacturer" of the item as defined in paragraph (n) (3) of Order M-388.

(2) The rating may be used only to get the fabric shown in the "fabric" column of the attached list for the particular item or to get textile component parts made of that fabric.

(3) The manufacturer may use the rating only to get component parts or fabric for use in the item listed in the "item" column of the list.

(4) The rating may be used only to get linings or other textile component parts within the manufacturer's quota. The quota is determined by applying the percentage shown in the "rated quota" column against the manufacturer's production of the same item during the base period defined in paragraph (1) (1) of M-388. This must be calculated in terms of the percentage of linear yards of fabric consumed during the base period in the form of linings or other textile component parts, except that where the word "each" is shown in the unit of measure column, the quota must be determined on the basis of the number of items produced during the base period. For the balance of the second quarter of 1945, the rated quota is one-

third of the rated quota calculated on a full calendar basis.

(5) Where quotas are assigned separately for different fabrics for the same item, each of the quotas represents the maximum percentage of the base period use of all fabrics which may be obtained with rating assistance for the specific fabric listed in the fabric column. When WPB Form 4200 is used for items D 3 through D 6 inclusive, the applicant shall fill out columns (b), (d) and (e) of section II indicating linear yardage of linings rather than number of items, as called for in the heading of the columns, and, in addition, under the section entitled "Remarks," he shall show the linear yardage of each fabric listed in the "fabric" column for the item which he used to manufacture the item during the first quarter of 1945. Where an asterisk appears in the "rated quota" column, the manufacturer's rated quota is not assigned until after filing Form WPB-4200 or Form WPB-4201, as provided in paragraph (2) of M-388 and is specifically given a rated quota. Rated quotas for the items marked with an asterisk will be assigned to the extent that fabric for those items is available. Where WPB-4200 is used in such cases, the applicant shall leave columns (d) and (e) of section II and all of section III blank, and instead, show in the section entitled "Remarks" the linear yardage of each fabric listed in the "fabric" column for the item which he used to manufacture the item during the first quarter of 1945. Form WPB-4200 for the items listed must be filed within fifteen days after May 24, 1945 for the items for which a rating is given in this direction. For the third calendar quarter of 1945 Form WPB-4201 must be filed not later than June 15, 1945.

Item No.	Item column (name of item)	Rated quota column	Unit of measure	Fabric
D 1....	Overall jumpers or coats, cosack jackets, work coats, as defined and listed under Group No. 21 of M-317A.	Percent 100	Each.....	Wool blanket lining.
D 2....	Work pants as defined and listed under Group No. 21 of M-317A.	100	Each.....	3 Leaf cotton twills for use as restricted in M-317A.
D 3....	Knitted apparel items.....	60	Linear yards..	1. Cotton textiles listed in Cotton Schedule II of M-388A. 2. Rayon. Rayon.
D 4....	Fur coats sold by the manufacturer for not more than \$100.	60	Linear yards..	Rayon.
D 5....	Bed and crib blankets.....	40	Linear yards..	Rayon.
D 6....	Caskets.....	25 15	Linear yards..	Rayon.
D 7....	Leather apparel items excluding footwear.	(*)	Linear yards..	Cotton print cloth less than 62 sley. 1. Cotton textiles listed in Cotton Fabric Schedule II of M-388A. 2. Rayon.
D 8....	Luggage as defined in L-284.....	(*)	Linear yards..	1. Cotton textiles listed in Cotton Fabric Schedule II of M-388A. 2. Rayon.
D 9....	Furniture as defined in L-260A and dual sleeping equipment as defined in L-49 (fabrics obtained on this rating for these items may not be used on finished exterior portions).	(*)	Linear yards..	1. Cotton textiles listed in Cotton Fabric Schedule II of M-388A. 2. Rayon.
D 10....	Replacement textile component parts for mechanical service devices made of materials other than textiles, excluding sporting and amusement devices.	(*)	Linear yards..	Cotton textiles listed in Cotton Fabric Schedule II of M-388A.

*See paragraph (b) (5).

Issued this 24th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8839; Filed, May 24, 1945;
4:34 p. m.]

PART 3291—CONSUMERS DURABLE GOODS [Supplementary General Limitation Order L-28-a, Revocation]

INCANDESCENT, FLUORESCENT AND OTHER ELECTRIC DISCHARGE LAMPS

Section 3291.115 *Supplementary General Limitation Order L-28-a, Schedule*

A to L-28-a and all authorizations issued under L-28-a are revoked. Manufacturers now may produce and deliver incandescent, fluorescent and other electric discharge lamps without regard to the provisions of Order L-28-a, any authorizations issued under it, or any grant of appeal or authorization relaxing its restrictions. This revocation does not affect any liabilities incurred for violation of the order or actions taken by the War Production Board under the order. Manufacture and delivery of incandescent, fluorescent and other electric discharge lamps remain subject to all other applicable regulations and orders of War Production Board, including Direction 13

to PR-3 which supersedes Direction 1 to L-28-a.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8874; Filed, May 25, 1945;
11:28 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Limitation Order L-28-a, Revocation of
Direction 1]

**EXTENSION OF RATINGS FOR INCANDESCENT,
FLUORESCENT AND GLOW DISCHARGE LAMPS**

Direction 1 to L-28-a is revoked. The restrictions on the extension of preference ratings to replace inventories of incandescent, fluorescent, and glow discharge lamps formerly in Direction 1 to L-28-a are now covered by Direction 13 to Priorities Regulation 3.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8875; Filed, May 25, 1945;
11:29 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Limitation Order L-30-b, Revocation]
ENAMELED WARE

Section 3291.155 *Limitation Order L-30-b* and Direction 2 to that order are revoked. This revocation does not affect any liabilities incurred for violation of the order or direction, or of actions taken by the War Production Board under the order or direction. The manufacture and delivery of enameled ware remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8876; Filed, May 25, 1945;
11:28 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 58
as Amended May 25, 1945]

PENICILLIN

§ 3293.1058 *Schedule 58 to General Allocation Order M-300—(a) Definitions.* For the purpose of this schedule:

(1) "Penicillin" means a chemotherapeutic agent isolated from *Penicillium notatum*, *P. chrysogenum* and variants. The term includes penicillin in any medicinal tablet, ampoule or other dosage form as well as crude penicillin in any form.

(2) "Primary supplier" means any person who produces or imports penicillin. However, the term shall not include any retail pharmacist, hospital or physician.

(3) [Revoked May 25, 1945.]

(b) *General provisions.* Penicillin is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is July 16, 1943, when penicillin first became subject to allocation under Order M-333 (revoked). The allocation period is the calendar month.

(c) *Exemptions.* Application and specific authorization are not required for the following use or delivery of penicillin:

(1) Use and delivery by any person who is not a primary supplier as defined in this schedule.

(2) Deliveries of samples to the Food and Drug Administration, Washington 25, D. C.

(3) Use by any primary supplier of samples of his own production or stock for making production control and standardization tests solely for potency, sterility, toxicity, pyrogens, moisture or stability.

(d) [Revoked Mar. 15, 1945.]

(e) *Suppliers' applications on WPB-2947.* Each primary supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). Filing date is the 20th day of the month before the proposed delivery month. Send three certified copies to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-58. The unit of measure is Oxford Units.

In Table I, first, list Army and Navy orders, specifying in Column 1 Army or Navy, in Column 1a the contract or requisition number, in Column 4 the quantity ordered, and in Column 5 the proposed delivery. Second, list the quantity requested for the use of the primary supplier and others for research, leaving Column 1 blank, specifying research in Column 2 and the aggregate quantity requested in Column 4. Quantities desired for other purposes need not be stated.

Fill in Table II as indicated, leaving Column 8 blank and reporting only unallocated stocks in Columns 10 and 13.

The War Production Board will release an aggregate quantity for research by the primary supplier and others, and will release either a single aggregate quantity for domestic civilian use and export or separate aggregate quantities for particular domestic civilian and export uses. The releases will be made without indicating particular customers to be served and will be made by indicating on the supplier's WPB-2947 the quantity released for such purposes. Distribution of quantities so released may be made through trade channels and shall be made without regard to preference ratings and without limitation as to duration of authorization. Primary suppliers must conform to any War Production Board instructions regarding preparation and packaging of penicillin

when released for domestic civilian use and export.

(f) *Suppliers' month-end reports on WPB-2947.* Each primary supplier who has received authorization on Form WPB-2947 for any month shall file a report on Form WPB-2947 not later than the 5th day of the following month. A single certified copy should be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-58. In the heading "This schedule is for deliveries to be made during the month/quarter ending -----, 19--", strike out the words "to be" and "quarter" and specify the month and year for which the report is made. Fill in Column 1 as shown on the previously authorized Form WPB-2947, substitute "suppliers' actual deliveries" under Column 5 and fill in Column 5 accordingly. Leave Columns (1) (a), (4), (5) (a), (6) and (7) blank. At the bottom of Table I specify actual unallocated stocks on the last day of the month reported. Leave Table II blank.

(g) *Certified statements of use.* The usual end use certificates required for Appendix B materials are not required for penicillin.

(h) [Revoked May 25, 1945.]

(i) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-58.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8888; Filed, May 25, 1945;
11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION
[Supplementary Order 112]

**CHANGES IN REFERENCES IN CERTAIN
REGULATIONS**

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

§ 1305.140 *Changes in references in certain regulations.* All references to the Lumber Branch in the regulations listed below shall henceforth be deemed to be references to the Building Materials Price Branch.

2d Revised Maximum Price Regulation 13
Revised Maximum Price Regulation 117
Maximum Price Regulation 176
Revised Maximum Price Regulation 186
2d Revised Maximum Price Regulation 195
2d Revised Maximum Price Regulation 215
Revised Maximum Price Regulation 293
Revised Maximum Price Regulation 320
Revised Maximum Price Regulation 342
Maximum Price Regulation 381
Maximum Price Regulation 424

Revised Maximum Price Regulation 434
 Revised Maximum Price Regulation 467
 Maximum Price Regulation 481
 Maximum Price Regulation 483
 Maximum Price Regulation 485
 Maximum Price Regulation 520
 Maximum Price Regulation 524
 Maximum Price Regulation 525

This Supplementary Order No. 112 shall become effective May 30, 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
 Administrator.

[F. R. Doc. 45-8897; Filed, May 25, 1945;
 11:43 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COM- PONENT

[Rev. RO 1E]

MILEAGE RATIONING; TIRE REGULATIONS FOR THE TERRITORY OF HAWAII

Ration Order 1E is redesignated as Revised Ration Order 1E and is revised to read as set forth below:

Preamble: In December, 1942, an integrated tire and gasoline rationing program was adopted in the continental United States. Its primary objective was to conserve our large and valuable inventory of tires mounted on automobiles through a forced reduction in driving to be accomplished by nation-wide gasoline rationing. The adoption in the Territory of Hawaii of gasoline rationing regulations modeled on those in effect on the mainland, but modified to suit peculiarly local conditions, goes hand in hand with the adoption of this ration order which is designed to do in Hawaii what has already been done on the mainland: namely, the preservation of tire carcasses through a liberal recapping policy, and the rationing of new and used tires on the basis of the applicant's importance to the war effort and public need, as evidenced by his driving requirements and gasoline allotments.

§ 1315.19 *Mileage rationing; tire regulations for the Territory of Hawaii.* Under the authority vested in the Office of Price Administration and the Price Administrator by Executive Order 9125 issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive 1-Q of the War Production Board, issued January 24 and November 6, 1942, respectively, and under the authority vested in me by General Order No. 48 of the Price Administrator, issued March 5, 1943, this Revised Ration Order No. 1E (Mileage Rationing: Tire Regulations for the Territory of Hawaii), which is annexed hereto and made a part hereof is hereby issued.

ARTICLE I—SCOPE OF REVISED RATION ORDER NO. 1E

Sec.

- 1.1 Territorial limitations.
- 1.2 Effect on outstanding certificates.

ARTICLE II—DEFINITIONS

- 2.1 Definitions.

ARTICLE III—ADMINISTRATION AND JURISDICTION

- 3.1 Personnel.
- 3.2 Jurisdiction of Boards.
- 3.3 Quotas.

ARTICLE IV—PROOF OF NEED AND ELIGIBILITY

Sec.

- 4.1 General proof of need.
- 4.2 Eligibility of passenger automobiles.
- 4.3 Additional proof of need for commercial motor vehicle.
- 4.4 Eligibility of commercial motor vehicles.
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ARTICLE V—APPLICATIONS AND CERTIFICATES

- 5.1 Applications and certificates.
- 5.2 Certification by inspector prior to filing application.
- 5.3 Investigation of facts by Board.
- 5.4 Applicant to be notified of Board's decision.
- 5.5 Certificates non-transferable.
- 5.6 Action by certificate holders.
- 5.7 Action by suppliers.
- 5.8 Splitting of certificates.
- 5.9 Revocation of certificates.
- 5.10 Revocation of certificate issued by mistake.
- 5.11 Revocation of certificate on declaration of ineligibility after hearing.

ARTICLE VI—PROHIBITED AND PERMITTED TRANSACTIONS

- 6.1 Prohibitions.
- 6.2 Mounting or use of tires.
- 6.3 Transfers to consumers upon certificate.
- 6.4 Dealer transfers within the Territory.
- 6.5 Authorizations for transfer by mainland suppliers.
- 6.6 Acquisition for retransfer purposes.
- 6.7 Transfers without certificate, special authorization or notice.
- 6.8 Transfers to exempted agencies and persons.
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ARTICLE VII—REPORTS AND RECORDS

- 7.1 Posting names of successful applicants.
- 7.2 Disposition of parts of certificates.
- 7.3 Records and reports of transfers.
- 7.4 Inventories of tires.
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- 7.6 Notice of legal proceedings.
- 7.7 Reports of violations.

ARTICLE VIII—GENERAL PROVISIONS

- 8.1 Appeals.

AUTHORITY: § 1315.19 issued under Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E. O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898.

ARTICLE I—SCOPE OF REVISED RATION ORDER NO. 1E

SEC. 1.1 *Territorial limitations.* The provisions of this revised ration order shall apply only in the following islands of the Territory of Hawaii: Niihau, Kauai, Oahu, Lanai, Molokai, Kahoolawe, Maui and Hawaii.

SEC. 1.2 *Effect on outstanding certificates.* (a) No provision of this order shall affect the validity or valid period of any certificate issued pursuant to a tire ration order in effect on any of the islands of the Territory prior to the effective date of this order.

(b) All certificates issued pursuant to any other tire ration order previously in effect in the Territory which are valid after the effective date of this order, shall be subject to the same restrictions, prohibitions and conditions of use as though they were issued pursuant to this order.

(c) This revised ration order shall supersede the Revised Tire Rationing Regulations¹ insofar as applicable to the

¹ 7 F.R. 72.

Territory of Hawaii, and all other orders rationing tires in the Territory of Hawaii: *Provided, however,* That any violations which occurred prior to the effective date of this revised ration order shall be governed by the orders, regulations and amendments thereto, in effect at the time such violations occurred.

ARTICLE II—DEFINITIONS

SEC. 2.1 *Definitions.* (a) When used in this order:

- (1) "Acquire" means to accept a transfer.
- (2) "All-purpose family-vehicle" means a pick-up truck of less than one-ton capacity if it is the only motor vehicle used for carrying passengers which is operated by an applicant and by all members of his household, and if it has regularly been used for family driving purposes.
- (3) "Board" means, as required by the context, one or more of the following types of organizations established by the Office of Price Administration: a War Price and Rationing Board; a Plant Area Board designated to serve the workers in specified military or naval establishments; or a Commercial Board designated to serve fleets of commercial motor vehicles and other specified vehicles or equipment operated by the same organization in a single county or island.
- (4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.
- (5) "Certificate," unless the context requires otherwise, means a certificate issued by a Board or other person or agency designated by the Office of Price Administration authorizing the acquisition of any tire.
- (6) "Commercial motor vehicle" means (i) a straight truck; a combination truck-tractor and trailer; a full or semi-trailer, a station wagon or passenger car which is registered as a truck and used primarily for transporting material or equipment in the course of an occupation; or any motor vehicle (except a motorcycle) built or rebuilt primarily for transporting property; but does not include an "all-purpose family vehicle"; (ii) any of the following motor vehicles used in the transportation of persons on the highway; a bus; an ambulance or hearse; a taxicab or jitney; and any motor vehicle (except a motorcycle) available for public rental for periods of seven consecutive days or less; and (iii) any other motor vehicle which is not a passenger automobile or motorcycle.
- (7) "Consumer" means any person who holds or acquires a tire for use and not for resale.
- (8) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires in the Territory of Hawaii.
- (9) "Director" means the person acting as Director of the Office of Price Administration for the Territory of Hawaii.
- (10) "Evidence" means a certificate; a receipt of delivery of tires to persons exempted by this order from procuring

certificates, or a certification as to such delivery; and authorizations of the Office of Price Administration or of the War Production Board for the transfer of tires.

- (11) "Fleet," as applied to a passenger automobile or motorcycle, means that such vehicle is one of five or more passenger automobiles or of five or more motorcycles owned or leased by and used by the same person principally in connection with one or more related occupations, or as applied to a commercial motor vehicle, that such vehicle is one of five or more commercial motor vehicles owned or operated by the same person.
- (12) "Grade I," as applied to tires, is limited to passenger-type tires and means a new pre-war tire of eighty-five (85) percent level or above, or a new synthetic rubber tire.
- (13) "Grade III," as applied to tires, is limited to passenger-type tires and means a new tire manufactured principally from reclaimed rubber as specified by the War Production Board, a new pre-war tire below the eighty-five (85) percent level, or a used or recapped tire.
- (14) "Mainland supplier" means a dealer or manufacturer within the continental United States who exports tires to dealers within the Territory.
- (15) "Manufacturer" means any person engaged in the business of manufacturing tires.
- (16) "Motorcycle" means any rubber-tired motor vehicle designed for highway operation on three wheels or less.
- (17) "Motorcycle tire" means any tire designed primarily for use on a motorcycle.
- (18) "New," as applied to tires, means a tire that has been used less than 1,000 miles.
- (19) "Mounted," as applied to a tire, means a tire physically mounted or held for use upon a specific vehicle and includes spare tires not in excess of the number allowable under this order or under Revised Ration Order No. 5F.
- (20) "Obsolete tire" means a passenger-type tire designed to fit the rim of a wheel 18 inches or more in diameter.
- (21) "Official," as applied to a passenger automobile or motorcycle, means that such automobile or motorcycle is owned or leased by a Federal, Territorial, local or foreign government or government agency, other than by the armed forces of the United States.
- (22) "Passenger automobile" means any motor vehicle built primarily for transporting persons on the highways which is not a commercial motor vehicle or a motorcycle; and any "all-purpose family vehicle."
- (23) "Passenger-type tire" means any tire designed primarily for use on a passenger automobile.
- (24) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.
- (25) "Recapper" means any person engaged in the business of recapping.
- (26) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(27) "Rubber" means any form or type of natural, reclaimed or synthetic rubber, or other similar materials.

(28) "Serial number" means the serial number either on the side wall or on the inner surface of a tire and the brand name or, if there is no number, the brand name alone.

(29) "Tire" means any pneumatic rubber tire or casing designed for use, or intended to be used on any vehicle, and capable of being used or repaired for such use.

(30) "Transfer" means any change in right, title, interest, possession or control, including but not limited to sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment and hypothecation.

(31) "Used," as applied to tires means any tire which has been used 1,000 miles or more.

(32) "Vehicle" means a passenger automobile, motorcycle, farm implement, commercial motor vehicle, or vehicle designed for use for road grading, earth-moving or similar off-the-road purposes.

ARTICLE III—ADMINISTRATION AND JURISDICTION

SEC. 3.1 *Personnel.* This order shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer this order shall have the powers and duties set out herein, and as the Office of Price Administration may from time to time delegate.

SEC. 3.2 *Jurisdiction of Boards.* (a) For purposes of this order, a Board other than a Plant Area Board or a Commercial Board, shall have jurisdiction over:

(1) The issuance of certificates for all vehicles normally stationed or garaged within the area which it has been designated to serve: *Provided*, That certificates for fleet or official passenger automobiles or motorcycles shall be issued by the Board which issued the gasoline rations for such vehicles.

(b) A Plant Area Board shall have jurisdiction over the issuance of certificates for the vehicles of workers employed in the establishment which the Board serves, unless a supplemental gasoline ration for the automobile was issued by the War Price and Rationing Board having jurisdiction over the area in which the automobile is normally garaged or stationed.

(c) A Commercial Board shall have jurisdiction over the issuance of certificates to operators of fleets of commercial motor vehicles and other designated vehicles or equipment in the county or island which it has been designated to serve.

(d) (1) No Board may issue a certificate authorizing the recapping of a tire with camelback.

(2) No Board may issue a certificate for a new or used solid truck tire, used tractor tire, used implement tire, or a new or used tube.

SEC. 3.3 *Quotas.* (a) The Office of Price Administration, Washington, D. C.,

may from time to time set and allocate quotas and reserve quotas fixing the maximum number of tires for the acquisition of which certificates may be issued, and may administer, adjust and revoke such quotas.

(b) No Board shall issue a certificate for the acquisition of tires in excess of its quota.

(c) If the Board has before it applications from persons eligible for tires, which in its judgment satisfy all the conditions of this order, but which together call for the issuance of certificates in excess of the applicable quota of the Board, it shall, in determining which of the competing needs are to be satisfied, be governed by the relative importance to the war program, public safety and public health of the operation of a vehicle in one use as compared with the importance of the operation of a vehicle in another use. The Board shall base its determination upon the application, the gasoline ration for the vehicle for which tires are sought, and all information which comes to its knowledge. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

ARTICLE IV—PROOF OF NEED AND ELIGIBILITY

SEC. 4.1 *General proof of need.* No Board shall grant a certificate authorizing any consumer to acquire a tire, and no consumer shall accept such a certificate unless he is eligible under section 4.2, 4.4, or 4.5 and, in addition, meets all of the following conditions:

(a) *Immediate needs.* That the tire is to equip a vehicle with a currently valid gasoline ration (if it is operated by gasoline) which is held for use and not for resale, and is:

(1) To equip a vehicle which requires tires because of alteration or reconstruction, or which, for reasons satisfactory to the Board, does not have the number of tires required for such vehicle.

(2) To replace a tire which cannot be repaired or recapped or which would be unsafe when recapped for operation at the speeds at which the applicant may reasonably be expected to operate.

(3) To replace a tire which is not serviceable for the use to which the vehicle is to be put.

(4) To replace a lost or stolen tire.

(b) *No abuse or neglect.* That the applicant has not in any manner abused or neglected, or permitted the tire to be abused or neglected which he seeks to replace. The Board may waive this condition if it finds that the community or the nation would suffer serious loss if the application were denied. The Board may consider, among other things, as evidence of tire abuse:

(1) That the vehicle for which a certificate is sought has been operated at a speed in excess of thirty-five miles per hour; or

(2) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for a tire, failure to take precaution in the use of tires, driving for

unnecessary purposes or when other means of transportation were available.

(c) *Unlawful mileage.* That the applicant has not used the tires which he seeks to replace on a vehicle which has been used for purposes prohibited by, or for mileage in excess of that allowed, by Revised Ration Order No. 5F.

(d) *Transfer of unrationed tires.* That any unrationed tire transferred on or after March 15, 1945 (other than one transferred as part of a vehicle or piece of equipment) was unsuitable for use on the vehicle or piece of equipment for which application is made or that other circumstances justify its transfer.

(e) *No available tire.* That the applicant (other than a government or government agency) does not own or control any tires not already in use, which can be used or repaired for use in lieu of the tire sought to be replaced.

(1) In determining whether the applicant has tires available, the Board may allow him to deduct from his count of available tires the number of spares which it considers necessary for the proper operation of his vehicles. This will normally be one spare for each motor vehicle, but it may be less in the case of fleets of vehicles or farm implements or slightly more for special equipment using a large number of tires of the same or different sizes.

(2) Applicants who are dealers need not consider their stock which is being held for resale, in determining the number of their available tires.

SEC. 4.2 Eligibility of passenger automobiles. A consumer who meets the applicable conditions of section 4.1 may be granted a certificate for tires in accordance with the following provisions:

(a) *Determination of uses of vehicle.*

(1) The Board shall determine the purposes for which the applicant uses his vehicle as a basis for ruling on the applicant's tire eligibility.

(2) The applicant must establish the same facts as are required in section 5.4 (a) of Revised Ration Order 5F for the allowance of occupational mileage.

(3) In the case of gasoline-operated vehicles, the Board shall reconsider the gasoline ration issued for use with the passenger automobile in accordance with the applicable provisions of Revised Ration Order 5F.

(b) *Eligibility for Grade I tires.*

(1) *Occupational purpose.* A certificate for a Grade I tire may be issued for a passenger automobile:

(i) Which has a currently valid supplemental gasoline ration, or

(ii) Which is operated on an official or fleet gasoline ration, or

(iii) Which is not propelled by gasoline or is operated on a valid nonhighway gasoline ration if it is used for an occupational purpose; or

(iv) In the case of a motorcycle or motorscooter, if any of the purposes for which it is used constitute occupational mileage.

SEC. 4.3 Additional proof of need for commercial motor vehicle. In addition to meeting all the conditions of section 4.1, an applicant for a tire for a commercial motor vehicle must meet the following conditions:

(a) *Recapping if possible.* That, if the applicant is seeking to replace a tire, it is not capable of being recapped or that it cannot be recapped for safe use at the speeds at which the applicant may reasonably be expected to operate; and

(b) *Passenger type tires unavailable or wasteful.* That, if application is made for a truck type tire, a passenger type tire of suitable size is not available, or that the use of a passenger type tire would constitute a waste of rubber.

SEC. 4.4 Eligibility of commercial motor vehicles—(a) List A. A certificate for any grade or type of tire may be granted only for a commercial motor vehicle which meets the applicable conditions of sections 4.1 and 4.3 and which is used exclusively for one or more of the following purposes:

(1) As an ambulance or hearse;

(2) The transportation of mail on behalf of the United States government;

(3) Maintaining fire-fighting services;

(4) Patrolling or investigation necessary to the maintenance of public police services;

(5) Maintaining garbage disposal and other sanitation services, disposing of refuse, maintaining sewage systems and similar purposes;

(6) Transporting passengers by a transportation system from which the general public may obtain service upon payment of a standard fare, if such services are rendered along regular routes or with regular schedules;

(i) No certificate shall be issued for a vehicle used for sightseeing trips or similar excursions;

(7) Transporting persons by chartered bus for similar purposes and under similar conditions as are imposed by General Order No. 10, and amendments thereto,² issued by the Office of Defense Transportation.

(8) Transporting students, teachers or other school employees between their homes or regular stops and regular places of instruction;

(9) Transporting workers (including executives, technicians, or office workers) to, from, within or between the establishments or facilities listed below, where other practicable means of transportation are not available:

(i) Naval, military or hospital establishments or facilities;

(ii) Establishments or facilities of common carriers, or other carriers performing services essential to the community or to the war effort; or plants engaged in the production or distribution of light, power, electricity, gas, or water; or irrigation, drainage, flood control or sanitation systems; or telephone, radio or other communications systems; or construction projects;

(iii) Industrial or agricultural establishments essential to the war effort;

(10) To transport disabled members of the armed forces to or from any hospital where their disabilities are treated, or to transport persons for the purpose of donating blood: *Provided*, That no public means of transportation are available, or that such persons cannot practicably use such means of transportation;

(11) To transport persons by taxicab or jitney under license issued by the appropriate governmental authority. No tire obtained on a certificate issued under this sub-paragraph shall be used on any taxicab or jitney unless it:

(i) Carries as many persons as is legally and practically possible on each trip;

(ii) Is permanently and conspicuously marked as a taxicab or jitney;

(iii) Does not "cruise" for the purpose of seeking fares;

(iv) Is not used for sight-seeing purposes; and

(v) Is not used for the purpose of making commercial deliveries of property;

(12) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer;

(13) For transportation, by any carrier of the following kinds of property:

(i) Ice, fuel, and milk.

(ii) Materials and equipment for necessary construction projects or for necessary maintenance or repair (other than the installation, maintenance or repair of portable household equipment);

(iii) Wastepaper, scrap iron, scrap rubber and similar waste and scrap materials which may be used again in production;

(iv) Such other property, including foods and farm products, as is essential to the war effort, or to the public health and safety;

(v) Newspapers:

Provided, however, That no certificate shall be issued for a tire for a commercial motor vehicle, except to a common carrier which meets the requirements of section 4.4 (a) (12) or to any other carrier which complies with the restrictions upon deliveries which may be prescribed from time to time by the Director, used: first, for transportation to the ultimate consumer of the property described in subdivisions (i) through (v) for personal, family or household use; second, for transportation to any person of alcoholic beverages, soft drinks and similar beverages, tobacco products, ice cream, confections, candy, flowers, toys, novelties, jewelry, furs, radios, phonographs, musical instruments, or any luxury goods; or third, for furnishing transportation for incidental maintenance service or for the purpose of installing or repairing any such effects, equipment, furniture or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or other establishment.

(b) *List B.* (1) A certificate for a new or used truck tire of a size 7.50 or less, or for a Grade I passenger tire, may be granted for commercial motor vehicles which meet the applicable conditions of sections 4.1 and 4.3 and are used for any functions which the Board may find to be essential to the war effort or community welfare and which are not provided for in List A of section 4.4 (a).

² 7 F.R. 3785, 5950.

(2) No certificate for a new tire shall be granted under this paragraph (b) if its issuance would exceed the applicable quota or if there is pending an application for a new tire for a commercial motor vehicle eligible under section 4.4 (a) which has not been satisfied.

SEC. 4.5 Eligibility of special equipment. (a) A certificate for a tire necessary to equip a vehicle which meets the applicable conditions of section 4.1 and is designed and used as one of the following, may be granted if tires are essential for its operation:

(1) A farm tractor or other implement.

(i) Tractors or combines may be issued certificates for the purchase of tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only, except that if an implement or front wheel tractor tire of suitable size is not available, the Board may issue a certificate for the lowest suitable grade of tire.

(2) Non-highway vehicles for road grading, earth moving or similar off-the-road purposes.

(b) A certificate for a spare tire may be issued to equip any of the vehicles which satisfy the conditions of this section, if the Board finds that it is necessary for the efficient operation of the vehicle.

ARTICLE V—APPLICATIONS AND CERTIFICATES

SEC. 5.1 Applications and certificates—(a) Who may execute and file. Any person may apply for a certificate for tires. Application may be made by an agent, but if the agent is not an employee of the applicant he may sign the application only if the applicant is physically unable to sign or is outside the Board's jurisdiction. No member or employee of the Board to which application is made, and no authorized tire inspector shall act as agent for an applicant. The Board may require that principal and agent, or owner and operator, join in an application. If application is made for tires to equip a passenger automobile leased for a term of more than seven days, both the lessor and the lessee shall join in the application.

(b) *Form of application.* A separate application must be filed on OPA Form R-1 for each passenger automobile. One application may be made on OPA Form R-1 for all commercial motor vehicles or non-highway vehicles owned and operated by the same person, used for the same purposes and stationed or garaged within the area served by the Board. The applicant shall attach a statement giving the license number, model and make of each commercial motor vehicle or non-highway vehicle for which application is being made.

(c) *Contents of application.* Each applicant shall set forth facts showing the jurisdiction of the Board; facts showing the need and eligibility for the tires for which application is made; and such additional information and commitments as may be required by the application or by the Board.

(d) *Certification by applicant.* The applicant shall state the true and complete facts required by the application

or by the Board to be set forth therein, and shall certify to such facts. Both principal and agent shall be bound by and deemed to have knowledge of all statements set forth in an application which has been made by an agent.

SEC. 5.2 Certification by inspector prior to filing application—(a) Inspection of tires. No consumer may file an application for a tire and no such application shall be considered, until an inspector authorized by the Office of Price Administration has currently inspected the tire to be replaced, and has executed and signed the "Certification by Inspector" contained in OPA Form R-1: *Provided, however,* That if application is made for a tire to be mounted on a passenger automobile or commercial motor vehicle, all tires mounted on such vehicle shall be inspected and their condition certified to by an authorized inspector.

(b) *Thorough inspection required.* No inspector may certify to any fact concerning the condition of a tire without making a personal and adequate inspection to determine such facts. The Board may require an additional inspection and certification by another inspector named by the Board.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector or any other person for the service of removing and replacing a tire when it is necessary for inspection purposes:

SCHEDULE OF FEES FOR REMOVING AND REPLACING TIRES

Type of tire	Fee each
1. Passenger type tire.....	\$0.50
2. Small truck tires (7.50 x 20 or smaller).....	.75
3. Large truck tires (larger than 7.50 x 20).....	1.00
4. Additional charge for removing inside dual truck tires (larger than 7.50 x 20).....	.50

SEC. 5.3 Investigation of facts by Board. (a) Before issuing a certificate the Board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the Board may make inquiries and investigations and may require an applicant to appear in person or by agent at the office of the Board at a designated time and supply such additional evidence and information or furnish such records and affidavits as may relate to the application.

(b) If the applicant has purchased a vehicle which has less than the number of tires permitted by section 4.1 (a), the Board shall require him to submit, together with his application, an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires. The Board must be satisfied from such affidavit that the vendor is not responsible for the lack of sufficient tires for the vehicle.

SEC. 5.4 Applicant to be notified of Board's decision. After acting upon an

application the Board shall promptly notify the applicant of its decision and, if the application is denied in whole or in part, shall state its reasons.

SEC. 5.5 Certificates non-transferable. No certificate or any part thereof may be transferred except as authorized by this order or by the Office of Price Administration, or in exchange for tires.

SEC. 5.6 Action by certificate holders—(a) Use of certificate. A certificate may be used at any time within thirty (30) days by the person to whom it was issued for the purpose specified thereon.

(b) *Replaced tires to be turned in.* Before acquiring a tire in exchange for a certificate, the certificate holder must turn in to the dealer the tires which the certificate requires him to turn in, or make such other disposition of the tire as the Office of Price Administration may direct.

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon prior to acquiring the tires specified. No member or employee of the Board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing the various parts of the certificate.

SEC. 5.7 Action by suppliers. (a) If the applicant is required to turn in a tire, a dealer shall not transfer any tire pursuant to the certificate until he has acquired physical possession of the tire being replaced.

(b) No dealer shall transfer tires until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) When the foregoing requirements have been fulfilled, the dealer to whom the certificate was surrendered shall deliver to the person indicated thereon, or to his agent, the exact number, type, grade and class of tires authorized by the certificate.

SEC. 5.8 Splitting of certificates. A certificate holder who is unable to acquire from one supplier all the tires which he has been authorized to acquire shall return the certificate to the issuing Board which shall cancel it and issue as many new certificates as are necessary to permit the acquisition from several suppliers.

SEC. 5.9 Revocation of certificates. (a) Any certificates, part of a certificate or authorization issued under this order shall be subject to revocation, cancellation, suspension, correction or modification by a Board or other agent designated for this purpose by the Office of Price Administration.

SEC. 5.10 Revocation of certificate issued by mistake. Any certificate issued to a person not entitled thereto on the basis of the facts stated in the application and which has not been used by the person to whom it was issued, may be revoked by the issuing Board and the Board may order that such certificate be surrendered to it. If in such case the Board finds that the certificate holder

is entitled to a tire of a different grade or type, it shall, subject to quota limitations, issue a certificate for such tire in lieu of the certificate revoked.

SEC. 5.11 Revocation of certificate on declaration of ineligibility after hearing.

(a) (1) A Board, after hearing, may revoke or cancel any certificate already issued and unused and declare a consumer ineligible to receive a certificate for such period as it may deem appropriate in the public interest and require the surrender to it of certificates already issued pending the determination of the proceedings where a person has violated any of the provisions of this order or of Revised Ration Order No. 5F.

(2) Such order of revocation and declaration of ineligibility shall be made pursuant to the following procedure:

(i) Written notice of the date, time, place and purpose of the hearing and the violation with which he is charged shall be served upon the person (hereinafter called the respondent) against whom the proceedings are instituted at least three days before the date set for the hearing. If the respondent has committed any of the acts or violations contained in the charge, the Board may by order revoke the certificates issued to him, direct him to surrender such certificates to the Board unless the certificate has been surrendered to a dealer, and declare that he shall not be eligible to receive a certificate for such period of time as the Board may deem appropriate in the public interest.

(ii) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time not to exceed five (5) days from the effective date of such order, good cause to the Board for such failure, the Board may set aside such order and grant the respondent a full hearing on the charges made.

(iii) A copy of the order shall be served promptly on the respondent personally or by registered mail, return receipt requested, directed to his last known address, and two copies thereof shall be sent to the Territorial Office at Honolulu. The Board shall fix the effective date of such order except that if it fails to do so such order shall become effective 24 hours after personal service or delivery by mail as evidenced by the return receipt.

(iv) The Board may designate one or more members to perform the functions prescribed in this paragraph. The Board may appoint volunteer hearing officers approved by the Director to conduct hearings pursuant to this section. In matters on which a hearing officer has been appointed, he shall preside at the hearings and make an oral or written report of his findings to the Board, which shall decide the matter.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) may within fifteen (15) days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the Board which issued it. Within three days after the receipt of the statement the Board shall forward it, together with a copy of the notice in-

stituting such proceedings, a copy of the record, if any, and a copy of the Board's order, to the Hearing Commissioner for the Territory of Hawaii, Honolulu, T. H. Within five (5) days after receipt of the statement the Hearing Commissioner shall notify the respondent and the Territorial Enforcement Attorney of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of § 1300.169 of Revised Procedural Regulation 4³ and amendments thereto.

ARTICLE VI—PROHIBITED AND PERMITTED TRANSACTIONS

SEC. 6.1 Prohibitions.—(a) *General prohibitions.* Notwithstanding the terms of any contract, agreement, or other obligation, regardless of when made, no person, unless permitted by this order, or by an order, authorization or regulation issued by the War Production Board, shall:

(1) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire; or

(2) Use, alter or change the physical location of any tire; or

(3) Mount any tire upon a wheel or rim.

(b) *Removal of tires by automobile dealer.* (1) No automobile dealer shall remove a tire mounted on a passenger automobile which he holds for sale, except for repair or recapping or unless it is being removed:

(i) As part of the process of scrapping the vehicle; or

(ii) Pursuant to a duly issued certificate; or

(iii) From a passenger automobile which he has contracted to sell without tires.

(2) Any tire which an automobile dealer has removed for repair or recapping from a passenger automobile which he holds for resale must be remounted on such vehicle.

SEC. 6.2 Mounting or use of tires.—(a) *Mounting or use generally.* A tire may be mounted and used as follows, unless the mounting or use is prohibited by other provisions of this order, or involves a transfer of tires prohibited thereby:

(1) Upon the vehicle for which a certificate or authorization to acquire the tire was granted under this order.

(2) Upon the vehicle on which it was mounted on August 1, 1943: *Provided*, That at the time the tires were mounted on the vehicle such mounting was not in violation of any previous tire or gasoline rationing regulations then in effect in the territory.

(3) Upon other vehicles, owned or operated by the same person, provided the tire is needed for its operation or as an allowable spare, and if the person mounting the tire will use the vehicle in operations which would make it eligible for the grade or type of tire in question. If the tire was obtained on certificate or authorization its grade at the time of acquisition, and not its present grade, shall control.

³ 9 F.R. 9412.

(4) Upon other vehicles not covered by subparagraph (3), only if authorized in writing by the Board having jurisdiction over the vehicle upon which the tire is to be mounted. The Board may grant the authorization only when it is satisfied that the mounting or use will result in a conservation of rubber, or in the more efficient use of tires in activities essential to the war effort, the public health or safety.

(b) *Mounting from stock prohibited.* No dealer or manufacturer shall mount or use tires taken from his stock unless he has obtained a certificate authorizing the mounting or use, or unless the tires were permanently removed from his stock and mounted on his vehicle prior to December 11, 1941.

(c) *Temporary transfer, mounting and use of used tires.* A person may temporarily transfer, without certificate, used tires to another person who may mount and use them to:

(1) Replace a tire that is being repaired or recapped;

(2) Move a wrecked, disabled or repossessed vehicle to a garage or other place of safety or storage;

(3) Move vehicles held for resale from one sales premises to another;

(4) Move any house trailer or mobile eating establishment to a site for housing or business purposes.

Such tires shall be returned to the transferor within three (3) days after the purpose for which the tires were transferred is accomplished.

SEC. 6.3 Transfers to consumers upon certificate.—(a) *By dealers.* (1) A dealer may, in exchange for a certificate, transfer tires to a consumer.

(2) No dealer may transfer a tire in need of recapping to a consumer, except that a recappable passenger-type tire which is not worn beyond the breaker strip may be transferred to a consumer without first being recapped, in exchange for a certificate.

(3) A dealer may not refuse to transfer tires to a consumer who presents him with a proper certificate accompanied with cash, if the dealer has tires of the size, grade and class specified by the certificate in his stock, which have not yet been transferred to any other consumer or dealer.

(4) A dealer who does not have in stock a tire which has been ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate to another dealer or supplier and obtain the number of tires specified thereon, for transfer to the consumer.

(b) *By recappers or repairers.* No recapper or repairer shall transfer a recapped or repaired tire to a consumer unless the quality of his workmanship in recapping or repairing the tire at least conforms to the minimum quality specifications contained in Revised Price Schedule 66⁴ and Maximum Price Regulation 107,⁵ issued by the Office of Price Administration.

⁴ 8 F.R. 11472, 21793, 15736; 9 F.R. 4348.

⁵ 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365, 8586, 8799, 8802, 8948; 8 F.R. 1584, 2206, 8854, 8843, 8676; 9 F.R. 4348.

(c) *Temporary transfers.* Every person transferring tires temporarily pursuant to section 6.2 (c) shall keep a record showing:

- (1) The purpose for which the transfer is made;
- (2) The serial number of the tires transferred and the tires temporarily replaced, if any;
- (3) The date of such transfer;
- (4) The name and address of the person to whom the transfer is made;
- (5) The date the tire is returned.

SEC. 6.4 *Dealer transfers within the Territory*—(a) *Establishments under common ownership.* No dealer may transfer or move tires to an establishment where the business of a dealer is performed except upon certificates or authorization of the Office of Price Administration, unless such transfer is expressly permitted under this order. If a dealer engages in the business of selling tires at two or more separate establishments he shall be considered a separate dealer for each such establishment, and the transfer or movement of tires between such establishments shall be subject to all the conditions that apply to transfers between separate dealers, unless expressly excepted by this order.

(b) *Changes of location.* A dealer may change the location of tires within a single establishment or the location of the establishment itself, including the entire stock of tires contained therein, if no change in ownership, possession or control occurs. He may also transfer tires to and from any warehouse which he owns or controls, for the purpose of storage only, if no change in ownership or control is thereby effected.

(c) *Tires*—(1) *Restrictions on transfer of Part B.* No person shall transfer Part B of a certificate (replenishment portion) and no person shall accept such transfer, unless the transferor's name and address are endorsed thereon. A Part B of a certificate shall become void for purposes of replenishment when it has been transferred three times for such purposes between dealers.

(2) *Permitted replenishment of tires.* A dealer may, in exchange for a properly endorsed replenishment portion of a certificate, transfer to another dealer in the Territory the number, grade and type of tires authorized by these certificates.

(d) *Transfers without certificate upon authorization.* The following transfers of tires may be made without certificates, upon authorization by the Director or by any person to whom he has delegated his authority:

- (1) From a consumer to another consumer or to a dealer.
- (2) From one dealer to another dealer. Such authorization will be granted only to supply the transferee with an inventory of tires sufficient to constitute a working inventory, and only if the transferee does not have sufficient Parts B on hand for the type and grade of tires being transferred.

SEC. 6.5 *Authorizations for transfer by mainland suppliers*—(a) *Who may apply.* The following persons may apply to the Director for a replenishment

certificate on OPA Form No. R-2 (revised) to acquire tires from a mainland supplier:

(1) A person who was a dealer on August 1, 1943;

(2) A person who intends in good faith to become a dealer if he, or a person in his employ has had previous experience in the servicing or recapping of tires, possesses equipment and facilities necessary to inspect and service tires properly and agrees to become a tire inspector. The Director may refuse to grant such person a certificate if granting it would defeat or impair the effectiveness or policy of this order.

(b) *Replenishment from mainland.* A dealer who wishes to replenish his stock of tires from a mainland supplier, shall submit together with his purchase order, sufficient evidence calling for the number and type of tires which he seeks to replenish. Upon determining that the applicant has requested no more tires than his evidences entitled him to, the Director shall issue his certificate on OPA Form R-2 (Revised) authorizing transfer by the mainland supplier of the tires so ordered.

(c) *Additional allotments.* A dealer who requires more tires than all evidences in his possession would entitle him to, shall submit, together with his purchase order, all evidences in his possession which call for the type and grade of tires of which he seeks an additional allotment. The Director may issue his certificate on OPA Form No. R-2 (Revised) authorizing the transfer by a mainland supplier, if he is satisfied that the additional allotment requested is necessary to enable the applicant to satisfy expected demands from consumers; that it is not excessive; and that an oversupply of the size or type requested will not result thereby.

SEC. 6.6 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* Subject to the provisions of paragraph (b), tires may be acquired, without certificate, in the following cases:

(1) *Exercise of governmental rights or powers.* Any government or governmental agency may acquire from any person any tire in the exercise of governmental rights or powers.

(2) *Decedent's estates.* An executor or administrator, legatee or distributee may acquire any tire pursuant to the appropriate laws of distribution.

(3) *Judicial process.* A person may acquire any tire pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(4) *Salvage.* A person who is engaged primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire that has been damaged or that is in imminent danger of being damaged or destroyed.

(5) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire in consequence of the

right of subrogation or in consequence of the payment of a claim.

(6) *Security transfers.* Any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by the Territory or the United States may acquire tires for security purposes, and may transfer such tires to the debtor upon release or extinguishment of the debt so secured. Any person may acquire a lien created by operation of law on tires and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by the applicable Territorial or Federal law and, subject to the provisions of this Section, transfers necessary to such enforcement may be made.

(b) *Required re-transfers.* A person other than a dealer acquiring full title to tires under paragraph (a) shall, within thirty days, sell the tires to a dealer or shall make such other disposition as the Director may order.

SEC. 6.7 *Transfers without certificate, special authorization or notice*—(a) *Transfers to governmental corporations.* A person may transfer tires to the Defense Supplies Corporation, Rubber Reserve Company or Reconstruction Finance Corporation or to any representative designated to receive tires on their behalf.

(b) *Changes in location.* A person, other than a dealer, may change the location of unmounted tires if no change in ownership, possession or control results.

(c) *Transfers on vehicles.* Unless prohibited by an order or regulation issued by the Office of Price Administration or the War Production Board a person may, without certificate, transfer a tire as part of the equipment of a vehicle in conjunction with the transfer of such vehicle: *Provided, however,* That a tire acquired in exchange for a certificate may be so transferred only after six (6) months of the acquisition of such tire by the transferor, or, prior to the expiration of such period, upon the written authorization of the Director of the Office of Price Administration for the Territory of Hawaii. The Director may authorize a transfer in cases where in his judgment it shall not operate as an evasion of this order. No person shall accept the transfer of such tire unless in accordance with the provisions of this paragraph.

(d) *Transfers for repair, mounting or inspection.* A person may temporarily transfer tires to any person engaged in the business of repairing tires, for purposes of inspection, mounting or repair only, and may acquire such tires after the mounting, repair or inspection.

(e) *Exchange of tires.* A consumer who in exchange for a certificate acquires any tire that is of a size or grade different from that ordered may, within ten days after its acquisition, exchange it with the transferor for the size or grade ordered, if the tire has not yet been used by the consumer.

(f) *Turn-in of tires to be replaced.* A consumer who holds a certificate for a tire, and who is required to turn in the replaced tire, shall transfer it to a dealer.

A dealer receiving a tire (usable or scrap) under this paragraph must attach a tag to it on which appear the serial number of the tire, the date upon which it was turned in, the name of the certificate holder who turned it in, and the serial number of the certificate. The dealer must hold the tire for at least 30 days unless instructed to hold it for a longer or shorter period by a representative of the Office of Price Administration. All tires held by a dealer under this paragraph must be segregated from any other tires and kept readily available for inspection.

(g) *Transfers for recapping.* A person may, without certificate, transfer a tire to a dealer or recapper to have it recapped and may reacquire the recapped tire.

(h) *Transfer of unit for unit.* A dealer may transfer tires to another dealer in exchange for tires in the same amount, type and grade.

(i) *Transfers to and from carriers.* A person may transfer tires to a common or contract carrier for shipment, and such tires may be transferred by such carrier to the consignee in the regular course of business. The transaction between the consignee and the consignor shall remain subject to provisions of this Revised Ration Order.

(j) *Mounting of original equipment.* A manufacturer of vehicles may mount tires as original equipment upon a vehicle made by him unless he has been prohibited from doing so by general or special instructions of the War Production Board.

(k) *Transfer and use of non-rationed tires and tubes.* (1) Any person may, without certificate or authorization, transfer, acquire, mount, use or change the physical location of the following tires and tubes:

- (i) New or used solid truck tires.
- (ii) Used tractor-implement tires.
- (iii) Grade III tires.
- (iv) New or used tubes.

(2) A consumer may acquire industrial type tires for mounting and use on equipment only, without certificate or authorization.

(3) A dealer or manufacturer may transfer industrial type tires to a dealer or consumer without certificate or authorization.

(4) The transfer and acquisition of industrial type tires under this paragraph is subject in all cases to, and may be made only in accordance with, the certification requirements imposed by War Production Board Order R-1, as amended from time to time.

SEC. 6.8 Transfers to exempted agencies and persons—(a) *Transfers to governmental agencies.* A person may transfer tires to or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, the Coast and Geodetic Survey, the Civil Aeronautics Authority, and the National Advisory Commission for Aeronautics, but not to or for the account of any officer, member or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which the vehicle is used on official business, nor to or for the

account of any post exchange, ship's service store, commissary or similar agency or organization.

(b) *Transfer to manufacturer of vehicles.* No person may transfer tires to any manufacturer of vehicles for mounting as original equipment, except upon the written approval of the War Production Board.

(c) *Records of transfers to exempted agencies and persons.* A person who makes a transfer permitted under paragraph (a) or (b) shall:

(1) Establish and maintain at his principal business office in the Territory, a separate file containing every invoice for shipment of tires to such transferee, which shall be filed within ten days after the date of shipment covered thereby. The invoice shall show the date of the transfer, the name and address of the purchaser, the name of the consignee (if different from the purchaser); the name of the carrier and the point to which the shipment was made.

(2) Keep records showing proof of delivery and receipt of payment.

SEC. 6.9 Other prohibited acts. (a) No person shall, without lawful authority, abuse, alter, damage or neglect any tire in his possession or control. Failure to have a tire recapped and failure to make timely application for replacements shall constitute forms of abuse within the meaning of this paragraph.

(b) No person shall use or permit the use of tires in the operation of a motor vehicle at any rate of speed which is in excess of 35 miles per hour. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps or Coast Guard, or to meet an emergency involving serious threat to life, health or safety.

(c) In addition to the prohibitions contained above in paragraphs (a) and (b), there are other acts prohibited by General Ration Order No. 8⁹ which are applicable to all ration orders. This order prohibits and provides penalties for:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, mutilating or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced or mutilated ration document;

(5) Wrongfully withholding a ration document;

(6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Bribing, hindering or interfering with rationing officials;

(8) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

Article VII—Reports and Records

SEC. 7.1 Posting names of successful applicants. At intervals of not more than one week, a list of the names of

the recipients of certificates issued during the previous week for Grade I tires shall be posted at the office of the Board for public inspection and shall be released to the press. This requirement shall not apply to certificates issued to Army, Navy or government intelligence officers whose work requires secrecy.

SEC. 7.2 Disposition of parts of certificates. (a) A transferor of tires to whom a certificate is surrendered by an applicant shall complete all the parts thereof and dispose of them in accordance with the instructions on the form, except that Parts C of OPA Form R-2 on Oahu, Molokai and Lanai shall be returned to the Director. Parts B of certificates may be used for replenishment only as provided in sections 6.4 and 6.5.

(b) Dealers shall maintain a file of all certificates or parts thereof which they are required to keep as records.

SEC. 7.3 Records and reports of transfers—(a) *Records of transfers to and from dealers.* Every dealer shall keep true, accurate and complete records of all transfers of tires to or by him. The records shall show the sale price, date of transfer, the name of the transferee and:

(1) If tires are transferred, their number, size, type and grade;

(2) If tires are transferred for repair, information sufficient to identify the ownership of the tires.

(b) *Record of transfers upon authorization.* Any person who acquires or transfers tires or replenishment portions of a certificate pursuant to an authorization issued by the Director shall retain the authorization as part of his record.

(c) *Temporary transfers.* Every person transferring tires temporarily pursuant to section 6.2 (c) shall keep a record showing:

(1) The purpose for which the transfer is made;

(2) The serial number of the tires transferred and the tires temporarily replaced, if any;

(3) The date the tire was transferred;

(4) The name and address of the persons to whom it was transferred; and

(5) The date it was returned.

SEC. 7.4 Inventories of tires, new tubes and camelback. Every person (except a manufacturer of vehicles) who is engaged in the business of selling tires, new tubes, camelback or vehicles and every person extending credit to another on the security of a vehicle under an agreement permitting the lender to take possession of the vehicle, shall:

(a) At the close of business on the last day of the month take an inventory of all unmounted tires, new tubes and of all camelback in his possession or control and keep a record thereof. The inventories shall be based on a physical count.

(b) File a report on OPA Form THR-17 (Revised) in accordance with the instructions thereon.

SEC. 7.5 Preservation and filing of records. Any person affected by this order shall keep and file such additional records and reports as the Office of Price Administration may require. Any record

⁹ 8 F.R. 3783, 5677, 9626, 15455; 9 F.R. 402, 1325, 2746, 4196, 4878, 7419; 10 F.R. 860, 3403.

required to be kept by this order, notwithstanding any amendment thereto, shall be preserved for not less than two (2) years, except that records of transfers for repair need be preserved only while the tires to be repaired are in possession of the repairer. All records relating to tires, new tubes or camelback shall be available for inspection by the Office of Price Administration.

SEC. 7.6 Notice of legal proceedings. Every person holding a certificate, part of a certificate or authorization shall, immediately upon a commencement of any legal action or proceeding involving the certificate or authorization, notify the Director.

SEC. 7.7 Reports of violations—(a) By any person. Any person may report a violation of this order to a Board or to the Office of Price Administration, Honolulu, T. H., or any of its District Offices. An official or employee of the office to which the report is made shall fill out a complaint, secure the signature of the complainant, if possible, and transmit it for investigation and action in accordance with the instructions of the Office of Price Administration.

(b) By a Board. Whenever a Board finds that an applicant has made a false statement in any application, record or other document made pursuant to or required by the terms of this order, it shall immediately inform the Director of that fact in writing, transmitting all relevant documents with its report.

ARTICLE VIII—GENERAL PROVISIONS

SEC. 8.1 Appeals. Any person whose application for a certificate or authorization has been denied in whole or in part by the action of a Board or the Director under this order, may appeal from such action or from any other adverse decision of a Board. Except for proceedings arising out of section 5.11, an appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9,⁷ issued by the Office of Price Administration.

Effective date. This order shall become effective May 30, 1945.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of May 1945.

MELVIN C. ROBBINS,
Director of the Office of Price
Administration for the
Territory of Hawaii.

Approved:

WALLACE M. COHEN,
Acting Regional Administrator,
Region IX.

[F. R. Doc. 45-8893; Filed, May 25, 1945;
11:42 a. m.]

⁷ 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806, 12482, 14211; 9 F.R. 1594, 4539, 10491; 10 F.R. 2478.

PART 1388—DEFENSE-RENTAL AREAS

[Housing,¹ Amdt. 59]

HOUSING

Section 7 (d) of the Rent Regulation for Housing is amended by adding the following subparagraph:

(4) Where, since the filing of the notice of maximum rent or the registration statement but prior to June 1, 1945, there has been a change in the identity of the landlord, by transfer of title or otherwise, the present landlord, on or before June 25, 1945 shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity. Where such change occurs on or after June 1, 1945 the new landlord shall file such notice within ten days after the change: *Provided*, That this sentence shall not apply where a petition has been filed under section 6 (b) (2) seeking a certificate for occupancy by the new landlord. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Administrator shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph.

Any notice, order or other process or paper directed to the person named on the registration statement or on the notice of maximum rent as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Procedural Regulation No. 3, constitute notice to the person who is then the landlord.

This amendment shall become effective June 1, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Budget Bureau in accordance with the Federal Reports Act of 1942.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8898; Filed, May 25, 1945;
11:43 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 5E]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

Ration Order 5E is redesignated Revised Ration Order 5E and is revised to read as set forth below:

Preamble: The Office of Price Administration has been directed by the Rubber Director to carry out the recommendations contained in the report of

¹ 10 F.R. 3436, 3555, 3727, 3951.

the President's Special Committee to Study the Rubber Situation.

The recommendations of the Committee include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles.
3. Prompt and strict enforcement of a Nation-wide speed limit not exceeding thirty-five miles an hour.
4. Compulsory periodic tire inspection.

This Revised Ration Order 5E has been adopted pursuant to the direction of the Rubber Director to complement the mileage rationing: Tire regulations (Revised Ration Order 1B) and also to meet the peculiar circumstances of the Territory of Puerto Rico. In adopting this regulation it has been necessary not only to take into consideration the necessity for saving rubber, but also the fact that all rubber and gasoline must be imported into the Territory of Puerto Rico by water, thus making it necessary to consider the question of transportation as affected by world conditions. Due to transportation difficulties the regulation is geared not only to the available supply of rubber in the continental United States, but to the quantity of tires and gasoline that it is estimated may be imported into the Territory.

The mileage rationing: Gasoline Regulations (Revised Ration Order 5E) control the use and acquisition of gasoline as a means to conserve rubber and gasoline and to maintain the transportation system. To safeguard against violation of the fundamental scheme, control is extended to gasoline generally, whether or not for motor vehicles.

The Office of Price Administration, through its local War Price and Rationing Boards, will regulate the use and allowable mileage of passenger automobiles and commercial vehicles.

Commercial vehicles are required to have a currently valid Certificate of War Necessity, issued by the Office of Defense Transportation. Commercial vehicles receive service rations, of which there are several types according to the type and use of the vehicle involved. Separate types of service rations are issued for taxicabs (publicos), buses, light trucks, heavy trucks, and government-owned vehicles.

All passenger automobiles, with certain exceptions, will receive a small basic ration, or mileage allowance, in order, primarily, to prevent casting all persons normally using such facilities on to public transportation systems not equipped to handle tremendously increased loads. The private passenger automobile is, in this sense, an integral and indispensable part of the Island's system of transportation.

Above this basic ration, mileage will be allowed for occupational uses of the vehicle. But these supplemental rations are strictly tailored in accordance with need. Moreover, carrying out the program of the Committee that essential driving be given first place, a maximum

allowance of 48 miles per week is placed upon the occupational use of passenger automobiles and 140 miles per month for motorcycles. The list of those users who may be allowed preferred mileage above this maximum is limited to those who use their vehicles for purposes essential to the war effort or to the civilian economy.

Certain exceptional, non-occupational, necessary motor vehicle uses, such as the procuring of food and supplies, or medical care are recognized and special rations are allowed for such purposes. Since the desire for conservation of gasoline in Puerto Rico is fully as important as the conservation of rubber, non-highway rations are required for purposes not involving wear of rubber tires.

By these means the vital supplies of tires and gasoline in Puerto Rico will be utilized for purposes most essential to the public welfare, and will be made to last, if possible, beyond the period of critical shortage. There is, of course, no assurance that the rubber supply situation in the future will not require further curtailment and conservation of tire use. To a great extent, this will depend upon whether the driving public will alter and restrict its driving habits, and conserve to the utmost extent the tires now in use. The Committee said:

Let there be no doubt that only actual needs, not fancied wants, can, or should, be satisfied. To dissipate our stocks of rubber is to destroy one of our chief weapons of war. We have the choice!

Discomfort or defeat. There is no middle course.

§ 1394.9204 *Mileage rationing: gasoline regulations for Puerto Rico.* Under the authority vested in the Office of Price Administration and the Price Administrator by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1-J, issued June 30, 1942, this Revised Ration Order 5E (Mileage Rationing: Gasoline Regulations for Puerto Rico) which is annexed hereto and made a part hereof, is hereby issued.

ARTICLE I—INTRODUCTION

- Sec. 1.1 Territorial limitations.
- 1.2 Scope of restrictions.
- 1.3 Effect of Revised Ration Order 5E on outstanding rations.
- 1.4 Effect on Revised Ration Order 1B.
- 1.5 Applicability of Order to rations issued under Ration Order 5B.
- 1.6 Definitions.
- 1.7 Personnel.
- 1.8 Jurisdiction of Boards over issuance of rations.
- 1.9 Action on applications.
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ARTICLE II—TYPES OF RATIONS

Basic Rations

- 2.1 Basic rations.
- 2.2 Basic ration books.
- 2.3 Application for and issuance of basic rations.

Supplemental Rations

- Sec. 2.4 Supplemental rations.
- 2.5 Application for supplemental ration.
- 2.6 Allowance of occupational mileage.
- 2.7 Preferred mileage.
- 2.8 Issuance of supplemental rations.
- 2.9 Renewals of supplemental rations.
- 2.10 Fleet Rations—Classes B, C and D ration books marked "Fleet."

Service Rations

- 2.11 Persons entitled to service rations.
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ARTICLE I—INTRODUCTION

SECTION 1.1 *Territorial limitations.* Revised Ration Order No. 5E shall apply to the Territory of Puerto Rico.

SEC. 1.2 *Scope of restrictions.* (a) Nothing in Revised Ration Order No. 5E shall be construed to:

(1) Limit the quantity of gasoline which may be acquired by or for the account of the Army or Navy, of the United States, the United States Maritime Commission, the Panama Canal, the Coast & Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research & Development.

(2) Limit the quantity of gasoline which may be acquired by any person for export to and consumption or use in any foreign country.

(3) Affect or apply to any transfer of gasoline between the agencies named in paragraph (a) hereof.

SEC. 1.3 *Effect of Revised Ration Order No. 5E on outstanding rations.* (a) Except as provided in paragraph (b) of this section and section 1.5, no provision of Revised Ration Order No. 5E shall affect the validity or valid period of any ration issued pursuant to Ration Order No. 5B.¹

(b) No ration issued pursuant to Ration Order No. 5B may be used for a purpose prohibited by the provisions of Ration Order No. 5B or Revised Ration Order No. 5E. All rations issued pursuant to Revised Ration Order No. 5E shall be subject to modifications, revocation and redetermination pursuant to the provisions of Revised Ration Order No. 5E.

SEC. 1.4 *Effect on Revised Ration Order No. 1B.* No allotment of gasoline issued pursuant to Revised Ration Order No. 5E for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Revised Ration Order No. 1B or to remove or avoid any disqualification of such vehicle under Revised Ration Order No. 1B which would otherwise result from such use.

SEC. 1.5 *Applicability of Order to Rations issued under Ration Order No. 5B.* All rations issued pursuant to Ration Order No. 5B which shall remain in effect after the effective date of this Order, shall be subject to the same restrictions, prohibitions and conditions of use as though they were issued pursuant to Revised Ration Order No. 5E.

SEC. 1.6 *Definitions.* (a) When used in Revised Ration Order No. 5E:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(2) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(3) "Bulk transfer" means any transfer of gasoline other than:

(i) Into the fuel tank of a registered motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates; or

(ii) Into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(4) "Bus" means a motor vehicle built or rebuilt primarily for the purpose of carrying passengers, licensed by the Insular Government of Puerto Rico to carry passengers for hire, and having a rated seating capacity of ten or more persons, including a station wagon operating over a regular route on a regular schedule under a certificate of necessity and convenience issued by the Public Service Commission of Puerto Rico.

(5) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 34.

(6) "Commercial motor vehicle" means a straight truck, a combination truck-tractor and semi-trailer, a combination truck-tractor and a full trailer, any combination thereof, or any other rubber-tired motor vehicle, excluding a motorcycle or airplane, propelled or drawn by mechanical power and built or rebuilt primarily for the purpose of transporting property on the highways; and any bus, taxicab, público, or other rubber-tired motor vehicle, excluding a motorcycle, propelled or drawn by mechanical power and used or licensed for use in the transportation of persons upon the highways for hire, or available for public rental, including ambulances, and hearses.

(7) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(8) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

(9) "Director" means Director of the Office of Price Administration for Puerto Rico, any person duly authorized to act

in his place, or any person to whom he may delegate his authority to act hereunder.

(10) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(11) "Equipment" means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

(12) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline, and exchangeable for such gasoline. This term shall include coupons, acknowledgements of delivery, inventory coupons, exchange certificates on Form OPA R-548 issued by a Board in return for other evidences received, and export certificates on Form OPA R-560.

(13) "Fleet" as applied to a passenger automobile or motorcycle, means that such vehicle is one of four or more passenger automobiles or four or more motorcycles owned or leased by and used by the same person or organization principally in connection with the same or related occupations, or, as applied to a commercial motor vehicle, that such vehicle is one of four or more commercial vehicles owned or operated by the same person.

(14) "Gasoline" means any liquid fuel which is commonly or usually used for the propulsion of motor vehicles or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzine, benzol, and naphtha.

(15) "Heavy truck" means a truck which has a rated capacity of more than one ton and is duly licensed as a heavy or a heavy-public truck by the Insular Government of Puerto Rico, unless such license is not required by law.

(16) "Highway use" means a use of gasoline in a registered motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, including a use of gasoline in any machinery permanently mounted on a registered motor vehicle.

(17) "Inboard motorboat" means any self-propelled water craft, the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(18) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale. Any such person shall be deemed to be an intermediate distributor as to each place at which such business is carried on.

(19) "Inventory coupon" means a one-gallon or one hundred gallon coupon issued by a Board to represent unfilled storage capacity of a dealer or intermediate distributor, or for such other purpose as may be provided in Revised Ration Order No. 5E.

(20) "Light truck" means a truck which has a rated capacity of one ton or less and is duly licensed as a commer-

¹ 7 F.R. 5607, 6389, 6390, 6871, 7400, 7908, 8385, 8335, 9134, 9431, 9817, 10109, 10530; 8 F.R. 534, 976, 2026, 2396, 5267, 5851, 9531.

cial or a commercial-public truck by the Insular Government of Puerto Rico unless such license is not required by law.

(21) "Motorcycle" means any motor vehicle designed for operation on three wheels or less, but does not include tractors.

(22) "Motor vehicle" means any rubber-tired self-propelled conveyance, the motive power for which is furnished by an internal-combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(23) "Motor vehicle dealer" means any person engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(24) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others.

(25) "Non-highway use" means any use of gasoline other than "Highway use".

(26) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

(27) "Occupational mileage" means mileage driven by a person in carrying on an occupation, or to and from a place where such occupation is carried on.

(28) "Oil company" means any person who imports gasoline into the Territory of Puerto Rico.

(29) "Passenger automobile" means any motor vehicle (other than an ambulance, hearse, motorcycle, taxicab, public, or vehicle used or licensed for use in the transportation of persons on the highways for hire) built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including a non-commercial station wagon or suburban carryall regardless of seating capacity.

(30) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(31) "Public" or "public car" means any passenger motor vehicle duly licensed by the Insular Government of Puerto Rico as a public car and authorized by the Public Service Commission to carry passengers for hire.

(32) "Ration", as the context requires, means either a right to acquire and use gasoline which is represented by an evidence issued on the basis of an application, or the amount of gasoline acquired in exchange for coupons, or both.

(33) "Registered" or "licensed" means that a motor vehicle is duly licensed for operation on public roads or highways by the appropriate agency of the Federal Government of the United States, the Insular Government of Puerto Rico, the government of a state of the United States or any territorial or foreign government.

(34) "Scrap", as applied to a tire, means incapable of being repaired for use.

(35) "Serial number", as applied to a tire, means the serial number either on the sidewall or on the inner surface of

a tire or, if no such number appears on a tire, the brand name.

(36) "Taxicab" means a taxicab authorized as such by a Certificate of Necessity and Convenience issued by the Public Service Commission.

(37) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

(38) "Transfer", as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(39) "Vehicle available for public rental" means any registered motor vehicle leased from, or held for rental by, a motor vehicle rental agency, but does not include a "public".

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

SEC. 1.7. *Personnel.* (a) Revised Ration Order 5E shall be administered by the Office of Price Administration through its War Price and Rationing Boards and such other administrative personnel as it may select. The persons appointed to administer Revised Ration Order No. 5E shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may, from time to time, delegate.

(b) No person participating in the administration of Revised Ration Order 5E shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 1.8 *Jurisdiction of Boards over issuance of rations.* (a) A Board shall have jurisdiction over:

(1) The issuance of rations for motor vehicles, equipment, or machinery normally garaged or stationed in the area in which the Board is designated to serve.

(2) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of this section; any person applying for a ration pursuant to this paragraph shall furnish the Board with the number of the Board having jurisdiction under paragraph (a) (1).

SEC. 1.9. *Action on applications.* (a) The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall within three (3) days notify the applicant of its decision.

SEC. 1.10 *Records of applications.* (a) Except as provided in paragraph (b) of this section, each Board shall maintain a file of all applications for gasoline rations passed upon by it or received by it from any other Board or source.

(b) A Board, after passing upon an application for a ration made pursuant to paragraph (a) (2) of section 1.8 shall forward such application to the Director for forwarding to the Board having jurisdiction:

ARTICLE II—TYPES OF RATIONS

Basic Rations

SEC. 2.1 *Basic rations.* (a) The owner or the person entitled to the use of a licensed passenger automobile or a licensed motorcycle may obtain on application to a Board a basic ration for use with such vehicle except that no basic ration shall be issued for use with a passenger automobile or motorcycle which is:

- (1) A public car, taxi, or vehicle available for public rental;
- (2) Owned or leased by a Federal, Insular, municipal, or foreign government or government agency;
- (3) Specially built or re-built as an ambulance or hearse; or
- (4) Part of a fleet of passenger automobiles or motorcycles.
- (5) Held by a motor vehicle dealer for sale or resale.

SEC. 2.2 *Basic ration books.* (a) Class A ration books shall be issued as basic rations for passenger automobiles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof only during the following periods:

Coupons:	Valid period
A 30-----	January 1945
A 31-----	February 1945
A 32-----	March 1945
A 33-----	April 1945
A 34-----	May 1945
A 35-----	June 1945

(b) *Class D ration books.* D ration books marked "basic" shall be issued as basic rations for motorcycles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof at any time during the semiannual period commencing February 1st or August 1st for which they shall be issued.

SEC. 2.3 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on Form OPA PRR-1 to the Board having jurisdiction. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) The application must be signed by the registered owner of the vehicle for which a ration is sought, and by the person entitled to the use of the vehicle in the event that the registered owner is not entitled to the use thereof. The application may not be signed by an agent, unless the registered owner or person entitled to the use of the vehicle is physically unable to sign or is outside the Territory of Puerto Rico.

(c) A basic ration shall be issued by a Board. The Board shall remove from any class A ration book all expired coupons and one currently valid coupon for each full four days which have elapsed in the valid period during which such book is issued. In the case of a basic D ration book, one coupon shall be removed for each full three and one-half days which shall have elapsed in the valid period during which such book is issued.

(d) No more than one valid basic ration shall be outstanding at any time for a vehicle, and no person shall be entitled to more than one basic ration for the same vehicle at any one time; *Provided*, That any person who has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued may apply to a Board for reissuance thereof. Application for reissuance shall be made on Form OPA PRR-1, and the applicant shall attach thereto a certification in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof, the reason therefor, and the serial number of the ration books surrendered and the number of unused coupons remaining in the book at the time of surrender.

(e) Applications for renewals of basic ration books shall be made at such times as shall be designated by the Director at the Boards during the month prior to the expiration of such rations.

Supplemental Rations

SEC. 2.4 *Supplemental rations.* (a) The following coupon books may be issued by a Board as supplemental rations to a holder of a basic ration book to provide for occupational or preferred mileage, to the extent allowed by the Board pursuant to section 2.6:

(1) B or C ration books for use with passenger automobiles.

(2) D ration books marked "Supplemental" for use with motorcycles.

(b) B and C ration books shall contain twelve (12) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof only during the following periods:

"B" or "C" Coupons bearing number:	Valid period 6 days, commencing with:
113.....	January 1, 1945
114.....	January 8, 1945
115.....	January 15, 1945
116.....	January 22, 1945
117.....	January 29, 1945
118.....	February 5, 1945
119.....	February 12, 1945
120.....	February 19, 1945
121.....	February 26, 1945
122.....	March 5, 1945
123.....	March 12, 1945
124.....	March 19, 1945

"B" or "C" Coupons bearing number:	Valid period 6 days, commencing with:
125.....	March 26, 1945
126.....	April 2, 1945
127.....	April 9, 1945
128.....	April 16, 1945
129.....	April 23, 1945
130.....	April 30, 1945
131.....	May 7, 1945
132.....	May 14, 1945
133.....	May 21, 1945
134.....	May 28, 1945
135.....	June 4, 1945
136.....	June 11, 1945
137.....	June 18, 1945
138.....	June 25, 1945

(c) D ration books marked "Supplemental" shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof at any time during the semi-annual period commencing February 1st or August 1st for which they shall be issued.

SEC. 2.5 *Application for supplemental ration.* (a) Application for a supplemental ration may be made to a Board on Form OPA PRR-2, by the owner or person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

(b) An applicant shall establish the monthly mileage required for each of the following purposes during the ration period for which such ration is valid:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal use of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) If two or more passenger vehicles for which supplemental rations are desired, are owned by persons living in the same household, all applications for supplemental rations shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of section 2.6, a separate application for a supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdictions of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrangement.

SEC. 2.6 *Allowance of occupational mileage.* (a) Except as provided in paragraph (c) of this section, occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of section 2.5 only if the applicant establishes, in connection with the use of the vehicle for that purpose either:

(1) That a bonafide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(3) In the event application is made for a Supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving for any of the purposes listed in paragraph (b) of section 2.5 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per week required by the applicant, as established in accordance with paragraph (b) of section 2.5, and shall issue a supplemental ration for such mileage requirements sufficient for a twelve week period: *Provided*, That the Board may not allow more than 48 miles per week for a pas-

senger automobile and 40 miles per month for a motorcycle for any occupational mileage other than preferred mileage as defined in section 2.7: *Provided further*, That in allowing occupational mileage, the Board shall disregard the basic ration, no part of which shall be required for occupational use.

(c) A Board having jurisdiction over an area adequately served by public transportation systems shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such public transportation system would not be reasonably adequate for the purpose for which such mileage is claimed.

SEC. 2.7 Preferred mileage; C rations.

(a) The mileage driven in a passenger automobile or motorcycle by the owner or the person entitled to the use thereof shall be deemed preferred mileage, only if it is necessary for carrying out one or more of the following purposes:

(1) By a duly elected or appointed agent, officer, representative, or employee of a Federal, Insular, Municipal, or foreign government or government agency or the American Red Cross for performing the official business or carrying out an official function of such government or government agency or American Red Cross, in a passenger automobile or motorcycle not owned or leased by such government or government agency or the American Red Cross. For the purpose of this paragraph:

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business or carrying out an official function.

(ii) Travel by duly elected members of the Insular legislature between their places of residence and San Juan, Puerto Rico, for the sole purpose of attending the legislative sessions, and other travel in pursuit of legislative business shall be deemed the carrying out of an official function.

(2) For the transportation of mail on behalf of the United States Government in a passenger automobile or motorcycle not owned or leased by such government.

(3) By public school teachers or officials for the performance of official duties which require travel from school to school.

(4) For the wholesale delivery of newspapers.

(5) For making necessary professional calls by a physician, surgeon, minor surgeon, farm veterinarian at agricultural establishments, chiropractor, osteopath, midwife, dentist, or public health nurse (but not a private or visiting nurse), licensed as such by the appropriate governmental authorities and regularly rendering necessary professional services outside of his office, or by a licensed funeral director or embalmer, for rendering services necessary in connection with the preparation for interment and the interment of a deceased person.

(6) By a regularly practicing minister or practitioner of any religious faith who actually serves a congregation for giving

religious comfort, assistance, advice, or instruction.

(7) By a farmer for transporting farm products and necessary farm supplies between farm and market, shipping point or point of delivery, or between one farm establishment and another, and for no other purpose.

(8) By members of the armed forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act as amended, for transportation to, from, or between places at which their duties are performed, and between their residence and places at which their duties are performed.

(9) By engineers, architects, repair and maintenance men or other workers (but not including salesmen) to enable them to render services or to transport materials and equipment necessary for construction, repair, installation, or maintenance work (other than the repair or maintenance of portable household appliances) or for rendering indispensable services of a specialized nature to agricultural, extractive or industrial establishments. "Services of a specialized nature" shall include services related to the natural breeding of livestock; crop or livestock inspection in the marketing or processing thereof; inspection in the improvement of farm sanitation; protection of crops, livestock or farms from blights, disease or pests; and soil conservation.

(10) By a worker (including an executive, technical, or office worker, but not including salesmen) or by an employer, employer's representative or representative of a labor organization in travel to, from, within, or between the following establishments or facilities, for purposes necessary to the operation or functioning of such establishments or facilities or to the maintenance of peaceful industrial relations therein: any industrial, extractive, military, naval, or hospital establishment, power generation or transmission facilities, transportation or communication facilities, construction project or farm.

(11) For delivery or messenger service in a motorcycle.

(12) For the operation and maintenance of the health requirements of a municipality, but only if the applicant is joined in by the municipality certifying the need for such mileage, the maximum mileage required, and the absence of adequate municipal facilities.

(13) By a traveling salesman engaged in:

(i) The sale of necessary productive equipment or supplies for farm, factories, mines and similar productive or extractive establishments or of petroleum products, if the marketing of such equipment or supplies by salesman is essential to the war effort or to the welfare of the community; or

(ii) The wholesale of medical or food supplies or in the transportation of medical supplies to and from his establishment, but not to the ultimate consumer.

(14) For any other necessary travel certified by the Director to be essential to the war effort or the public welfare.

SEC. 2.8 Issuance of supplemental rations. (a) Not more than one B ration book shall be issued to an applicant by a Board after removal of coupons as necessary to provide only the total occupational mileage allowed in accordance with section 2.6, except upon specific written authorization of the Director.

(1) The maximum number of coupons on any page of a B ration book shall be as follows:

Passenger automobiles

Mileage allowed during week of validity of coupons of B ration book page:	Number of B coupons to remain in page
1-6	1
7-12	2
13-18	3
19-24	4
25-30	5
31-36	6
37-42	7
43-48	8

(b) No C ration book shall be issued unless the mileage for which application is made is preferred mileage as set forth in section 2.7. Not more than one C ration book shall be issued to any applicant by a Board, except upon specific written authorization of the Director.

(1) Coupons shall be removed from C ration books before issuance as required to provide only the preferred mileage allowed and such occupational mileage as may be allowed pursuant to paragraph (c).

(2) The maximum number of coupons on any page of a C ration book shall be as follows:

Passenger automobiles

Mileage allowed during week of validity of coupons:	Number of C coupons to remain in page
1-18	1
19-36	2
37-54	3
55-72	4
73-90	5
91-108	6
109-126	7
127-144	8

(c) No person shall be eligible to receive both a B and C ration book. Any person who is entitled to a C ration book may be allowed total occupational mileage, in accordance with section 2.6, in addition to the allowance of preferred mileage, but such allowance shall not exceed 48 miles in any week for occupational mileage.

(d) Not more than one D ration book marked "Supplemental" shall be issued by the Board after removal of coupons as necessary to provide only the total occupational and preferred mileage allowed in accordance with sections 2.6 and 2.7 except upon special written authorization of the Director, or as provided in sub-section (2).

(1) The maximum number of coupons on any page of a D ration book marked "Supplemental" shall be one (1) coupon for each 17½ miles or major fraction thereof allowed.

(2) Law enforcement agencies of the Federal and Insular Governments shall be entitled to additional D books marked "Supplemental" from time to time to satisfy their proven requirements for law enforcement.

(e) Ration books shall be issued only for the unexpired pro rata portions of the ration period for which they shall be valid, and the Board shall remove and cancel all expired coupons and all coupons in excess of the number to be issued.

(f) For the purpose of this section, a passenger automobile is conclusively presumed to operate 12 miles, and a motorcycle 35 miles, per gallon of gasoline.

SEC. 2.9 Renewals of supplemental rations. Applications for renewals of supplemental rations shall be made to the Boards at such times as shall be designated by the Director during the month prior to the expiration of such rations.

SEC. 2.10 Fleet Rations—Classes B, C and D ration books marked "Fleet." (a) Any person to whom a Board shall have issued B or C ration books on behalf of four or more passenger automobiles shall be entitled, upon surrender of such ration books to the issuing Board, to receive in exchange therefor, books of the same class marked "Fleet" and containing the same number of valid coupons.

(b) Any person to whom a Board shall have issued "Supplemental" D ration books on behalf of four or more motorcycles shall be entitled, upon surrender of such ration books to the issuing Board, to receive in exchange therefor, "Supplemental" D ration books of the same class marked "Fleet" and containing the same number of valid coupons.

(c) Each ration book marked "Fleet" shall have endorsed on the cover the license number, make and year of manufacture of each vehicle which is part of the fleet.

(d) Coupons contained in ration books marked "Fleet" shall be valid for transfers of gasoline only to those vehicles listed by the issuing Board in accordance with paragraph (c) hereof.

Service Rations

SEC. 2.11 Persons entitled to service rations. (a) The owner or person entitled to the use of a registered commercial vehicle for which a currently valid certificate of War Necessity has been issued (unless such vehicle has been exempted therefrom) may obtain from a Board the appropriate class of service ration book authorizing the acquisition of the maximum number of gallons of gasoline allowed by the Board for the operation of such vehicle.

(b) The Federal, Insular, Municipal, or a foreign government or a governmental agency which owns or is entitled to the use of a registered motor vehicle (other than a motorcycle) for which a Certificate of War Necessity is not required may obtain from a Board S-5 ration books authorizing the acquisition of the maximum number of gallons of gasoline allowed by the Board for the operation of such vehicle.

SEC. 2.12 Service ration books. (a) Service ration books of the following classes shall be issued by a Board for the following vehicles:

(1) S-1 ration books for taxicabs and "públicos".

(2) S-2 ration books for heavy trucks,

(3) S-3 ration books for busses.

(4) S-4 ration books for light trucks including ambulances and hearses.

(5) S-5 ration books for motor vehicles (other than motorcycles) owned, leased or operated by the Federal, Insular, Municipal, or foreign government or governmental agency and used exclusively for the official uses of such government or governmental services.

(i) S-5 containing green (verde) coupons shall be issued for passenger automobiles, containing gold (oro) coupons shall be issued for light trucks, and containing white (blanco) coupons shall be issued for heavy trucks.

(6) D ration books marked "Service" for motorcycles.

(b) Service ration books shall consist of eight (8) coupons to a page, and contain the following number of pages according to the type of service ration:

Ration books	Number of pages	Number of pages for each valid period
S-1 or S-2.....	12	1
S-3 or S-4.....	12	1
S-5 (green).....	12	1
S-5 (gold).....	24	2
S-5 (white).....	36	3

(c) D ration books marked "Service" shall contain six (6) pages and shall be valid for transfers of gasoline to the holder thereof at any time during the semi-annual period commencing February 1st or August 1st for which they shall be issued.

(d) Coupons of all categories of S ration books shall be valid for transfers of gasoline to the holders thereof only during the periods as follows:

S-1, S-2, S-3, S-4, or S-5 coupons bearing number:	Valid period 6 days, commencing with:
112.....	January 1, 1945
113.....	January 8, 1945
114.....	January 15, 1945
115.....	January 22, 1945
116.....	January 29, 1945
117.....	February 5, 1945
118.....	February 12, 1945
119.....	February 19, 1945
120.....	February 26, 1945
121.....	March 5, 1945
122.....	March 12, 1945
123.....	March 19, 1945
124.....	March 26, 1945
125.....	April 2, 1945
126.....	April 9, 1945
127.....	April 16, 1945
128.....	April 23, 1945
129.....	April 30, 1945
130.....	May 7, 1945
131.....	May 14, 1945
132.....	May 21, 1945
133.....	May 28, 1945
134.....	June 4, 1945
135.....	June 11, 1945
136.....	June 18, 1945
137.....	June 25, 1945

SEC. 2.13 Application for service rations. (a) Application shall be made by the owner or the person entitled to the use of the commercial motor vehicle or by the authorized agent, to a Board on Form OPA PRR-3. All questions on such forms shall be answered by the applicant. A single application may be used for each fleet of vehicles or each group of fleet vehicles for which the

applicant seeks a "Fleet" service ration. A separate application must be used for each vehicle which is not part of a fleet.

(b) In the case of a public car (público), bus or taxi the applicant shall describe the route traveled or the area served by the vehicle or vehicles for which application is made, and shall furnish such further information as the Board may deem relevant to the determination of the mileage to be allowed.

SEC. 2.14 Issuance of service rations.

(a) No service ration shall be issued on behalf of a commercial motor vehicle for which a Certificate of War Necessity is required unless the applicant has presented to the Board, at the time of application, a currently valid Certificate of War Necessity. In the case of a fleet, a currently valid Fleet Certificate issued for the fleet may be presented to the Board.

(b) The Board may issue for proven mileage requirements for each valid period, after removing and destroying excess coupons, the following S ration books for the following classes of vehicles:

(1) S-1 ration book. (i) Sufficient number of coupons in S-1 ration books to provide the gallonage necessary for the minimum mileage required for the valid period, but in no event shall the gallonage value of the ration issued exceed that established by the standard list of rations as prepared by the Rationing Executive with the approval of the Director, except that:

(ii) For the continued operation of públicos transporting passengers regularly between fixed terminals in different towns over fixed routes under schedules and at rates fixed by the Public Service Commission and for the operation of which Certificates of Necessity and Public Convenience have been continuously outstanding since August 1, 1942, sufficient S-1 ration books to provide the gallonage necessary for the minimum mileage required for the valid period for not more than one daily round trip over its fixed routes between the fixed terminals.

(iii) No S-1 ration book shall be issued to any taxicab or público unless the operator presents to the Board a currently valid certificate of convenience and necessity or a currently valid special permit issued by the Public Service Commission of the Insular Government and his signed statement that he is complying with all applicable orders of the Office of Defense Transportation. No ration shall be issued and no ration issued for a taxicab or público shall be used unless it:

(a) Carries as many persons as is legally and practically possible on each trip;

(b) Is permanently and conspicuously marked as a taxicab or público;

(c) Does not "cruise" for the purpose of seeking fares; and

(d) Is not used for sightseeing purposes.

(2) S-2 ration book. Not more than one book, unless for essential service rations as provided in section 2.15.

(3) S-3 ration book. Sufficient S-3 ration books for the operation of each

bus (i) on the route or according to the schedule prescribed for it by the Public Service Commission of the Insular Government, or (ii) continuously operated as one of a fleet of buses which has been in continuous operation since November 1, 1941 over regular routes and for which no certificate of convenience and necessity has been obtained.

(4) *S-4 ration book.* Not more than one book, unless for essential service rations as provided in section 2.15.

(5) *S-5 ration book.* Not more than one book, unless the Board shall recommend to the Director and obtain his written authority in advance in each instance, for the issuance of such additional books as may be essential. No vehicle for which an S-5 ration book may have been issued shall be used for any purpose except official business.

(c) The following classes of vehicles shall be conclusively presumed to obtain the following number of miles per gallon:

(1) Passenger automobiles and publicos—12 miles per gallon.

(2) Light trucks—10 miles per gallon.

(3) Heavy trucks—8 miles per gallon.

(4) Buses—8 miles per gallon.

(5) Motorcycles—35 miles per gallon.

(6) The Board shall, if so requested by the applicant, receive proof of the average actual number of miles obtained per gallon in the case of a light truck, a heavy truck, or a bus. If it is satisfied beyond all reasonable doubt that such mileage represents the average actual minimum mileage obtained by the heavy truck or bus per gallon by the most efficient possible operation, it shall accept such mileage in computing the number of coupons to be issued.

(d) The Board shall issue ration books only for the unexpired pro rata portions of the ration period for which they shall be valid and shall remove and cancel all expired coupons and all coupons in excess of the number actually required by the applicant as his proven need. At the time of issuance of any service ration for use with a commercial motor vehicle for which a Certificate of War Necessity is required to be presented, the Board shall note on the face of such Certificate the Board number, the period for which the ration is issued, the serial number of the ration book or books and the initial of the person issuing such books. In the case of a Fleet Certificate the Board shall note on the reverse side thereof the same information and shall also note the total gallonage for which coupons are issued, and the number of the issuing board. If the applicant has requested that bulk coupons be issued to him, and if the applicant meets the requirements of paragraph (a) of section 2.12, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested.

(e) No service ration may be issued for any vehicle which does not comply with (1) the applicable orders of the Office of Defense Transportation, or (2) the requirements of Revised Ration Order No. 1B relating to periodic inspection of tires.

SEC. 2.15. *Essential service rations.* (a) A Board may issue additional S-2 and S-4 books for any truck principally used in one or more of the following essential services:

(1) To maintain fire-fighting services;

(2) To maintain necessary public police services;

(3) To maintain garbage disposal and other sanitation services;

(4) To transport mail on behalf of the United States Government, in a truck not owned or leased by such Government;

(5) To transport ice water, milk, fuel;

(6) To transport farm products, foods and food supplies to processing plants, storage houses, or wholesale or retail establishments, but not from retail establishments to consumers;

(7) To transport medicines or medical equipment;

(8) To transport waste and scrap material;

(9) To maintain the essential services of public utility systems;

(10) To transport material and equipment for farm, highway, industrial, or government construction, maintenance or repair;

(11) To deliver newspapers at wholesale;

(12) To operate and maintain the health requirements of a municipality, but only if the application is joined in by the municipality certifying the need for such mileage, the maximum mileage required, and the lack of available public facilities to satisfy such requirements.

(b) The Board shall issue such additional books only if it is satisfied that the life, health and safety of the people of Puerto Rico so require.

SEC. 2.16. *Service ration for equipment mounted on commercial motor vehicles.*

(a) Notwithstanding any other provisions of Revised Ration Order No. 5 E the applicant for a ration for machinery or equipment permanently attached to a commercial motor vehicle which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the vehicle, may set forth in his application for a service ration for such vehicle the amount of gasoline needed for the operation of such machinery or equipment during the period for which the service ration is sought. The Board shall ascertain and allow the amount of gasoline needed for such purpose during such period and shall include in the service ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate such machinery or equipment during such period.

SEC. 2.17. *Interchangeable service ration books.* (a) An applicant for a service ration for use with fleet vehicles may request the Board to note on the ration books issued, a clearly discernible name or other identification of the fleet or, if the vehicles bear no clearly discernible name or identification, the serial number of the fleet Certificate of War Necessity issued for such vehicles in lieu of the registration number of a particular vehicle. The Board may grant such a request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation or,

in the absence of such designation, with respect to any vehicles, for which a fleet Certificate of War Necessity has been issued. Any book on which a fleet identification or fleet Certificate number is noted may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such fleet Certificate. Each service ration book marked "Fleet" issued hereunder shall have endorsed on the cover thereof the license number, make, and year of manufacture of each vehicle in the fleet. Coupons contained in ration books marked "Fleet" shall be valid for transfers of gasoline only to those vehicles so listed.

SEC. 2.18. *Zafra season.* (a) *Definition.* Sugar cane is cut and processed in Puerto Rico during a period approximately from January 1st to July 1st in each year which period is known as the "Zafra" or Grinding Season.

SEC. 2.19. *"Zafra" season ration.* (a) The owner or the person entitled to the use of a truck actually used for the transportation of cane, sugar or supplies essential to the cutting, processing, grinding and planting of sugar during the "Zafra" season shall be entitled to a special "Zafra" season ration.

(b) Applicant shall use the S type ration book issued to him by a Board to acquire gasoline for the necessary haulage on the first day of his participation in the "Zafra." At the conclusion of his first day's work he shall surrender to a member of the Board assigned to the Sugar Central by which applicant has been engaged all ration books issued to him for the operation of each truck used by him on that date and upon proof by applicant to such member of the Board of the consumption of a specific quantity of gasoline that day, he shall receive a "Zafra" certificate authorizing the acquisition of such quantity of gasoline. The "Zafra" certificate shall be on Form OPA PRR-189, shall be signed by the authorized member of the Board, signed and sealed by the person duly authorized to sign on behalf of the Sugar Central and signed by the applicant or his agent prior to its delivery to the applicant. Thereafter a "Zafra" certificate shall be issued at the completion of each day's work for the quantity of gasoline consumed during that day.

(c) Each "Zafra" certificate shall be valid for transfers of gasoline only on the next succeeding day into the tanks of trucks specifically listed on the reverse thereof. Upon transfer of a quantity of gasoline into the truck or trucks whose license numbers are listed on the reverse thereof the applicant or his agent shall insert the number of gallons so transferred to each such truck, and sign his name in the columns provided therefor.

(d) Each dealer shall deliver all "zafra" certificates in his possession in accordance with the provisions of section 7.16 to the Board having jurisdiction and shall receive an exchange certificate (Form OPA R-548) in exchange therefor.

(e) "Zafra" certificates shall be numbered serially. The original or copy on

white paper shall be delivered to the applicant. The duplicate original, or yellow copy, which shall be signed by the applicant, representative of the Sugar Central and by the member of the Board, shall be retained by the Sugar Central until such time as the Director shall require its surrender to the Office of Price Administration.

Sec. 2.20 Weekly reports by Sugar Central. (a) Each Sugar Central shall prepare in duplicate a weekly report on Form OPA PRR-190. Such report shall be signed by a duly authorized officer or agent of the Sugar Central. The original thereof shall be mailed to the Office of Price Administration for Puerto Rico and a duplicate original thereof to the Board having jurisdiction on the Monday following each calendar week of the "Zafra" season.

Sec. 2.21 Return of S type ration book. (a) Upon the termination of the use of a truck for the "Zafra" season, the owner or the person entitled to the use thereof and the duly authorized officer or agent of the Sugar Central shall both certify to that fact by executing Form OPA PRR-191. Upon surrender thereof to the Board having jurisdiction over the Sugar Central, the Board shall remove from the ration book for cancellation all expired coupons and a proportionate number of coupons for that portion of the currently valid period which has already passed and shall then return the ration book to the person entitled thereto.

(b) Nothing contained in sections 2.18 to 2.21 shall be construed to limit the right of any person to use any other type of ration authorized pursuant to Revised Ration Order No. 5E.

Special Rations

Sec. 2.22 Application for special ration. (a) The owner or person entitled to the use of a motor vehicle or of a boat or outboard motor who finds that transportation in such vehicle, or boat is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board on OPA Form PRR-6 for a special ration. Application for a special ration on behalf of an individual may not be signed by an agent. A special ration may be issued for any period not exceeding the current valid period of the appropriate class of ration, and in no event exceeding twelve (12) weeks.

(b) Special rations may be issued in order to permit the acquisition of gasoline for use with a motor vehicle, motor boat or outboard motor boat for one or more of the following purposes:

(1) To obtain medical attention or therapeutic treatment or to procure necessary food or supplies;

(2) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof;

(3) To transport a person who is called, or is serving, as a juror on a grand or petit jury in criminal or civil cases, between his home or lodging and the place where he is required to be

present for jury service: *Provided*, That the applicant shall present to the Board a statement from the presiding judge or officer responsible for the attendance of jurors setting forth that the presence of the applicant is required for jury service and the number of miles necessary to provide the required transportation;

(4) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(5) To carry persons to and from established places of registration for voting, to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; by a bona fide candidate for nomination in a primary election or for an elective public office, for purposes essential to the prosecution of his candidacy.

(6) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purposes;

(7) To move such vehicle or boat to a place of storage upon repossession, or upon seizure by a government authority;

(8) To deliver such vehicle or boat after bona fide sale thereof or pursuant to a bona fide lease of more than ninety (90) days;

(9) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purposes.

(10) For any other purposes certified by the Director to be essential to the war effort or the public welfare.

Sec. 2.23 Form and issuance of special rations. (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That a ration previously issued for such vehicle, boat or outboard motor is not reasonably adequate or cannot be used for such purposes;

(3) That transportation is necessary to the accomplishment of such purpose; and

(4) That no reasonably adequate alternative means of transportation are available.

(b) If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose or purposes stated from the date of its decision to the end of the period for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in

such book. It shall mark "special" any book which it so issues. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

(c) No special ration may be issued for the operation of a vehicle if such operation violates any order of the Office of Defense Transportation.

Non-Highway Rations

Sec. 2.24 Persons entitled to non-highway rations. Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the amount of gasoline required for such purpose.

Sec. 2.25 Non-highway ration coupons and books. Ration coupons and books shall be issued as non-highway rations for twelve week periods. Ration books shall contain twelve (12) pages of eight (8) coupons to a page. Non-highway rations shall be valid for transfers of gasoline to the holder thereof at any time.

Sec. 2.26 Application for non-highway ration. (a) Application for a non-highway ration shall be made to a Board on Form OPA PRR-5. Application may be signed by an agent.

(b) The applicant shall state the amount of gasoline needed for a non-highway use during the twelve week period, and the non-highway purpose or purposes for which such gasoline is needed.

Sec. 2.27 Issuance of non-highway rations. (a) The Board shall determine the amount of gasoline required for the twelve week period, and, subject to the provisions of paragraphs (b) and (c) of this section shall issue to the applicant one or more R coupons or books, or any combination of them, to enable the applicant to acquire the amount of gasoline so determined to be necessary for such period. Upon issuance of any ration under this paragraph, the Board shall remove from the book and cancel any coupons in excess of the number allotted. The Boards shall maintain accountability records of all R ration books, and all coupons issued and not issued.

(b) If the application is made for a non-highway ration for use in an inboard motorboat or outboard motor operated wholly or in part for non-occupational purposes, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but not in excess of sixty (60) gallons for the 12 week period;

(2) In the case of an outboard motor, the number of gallons equal to two and one-half times the manufacturer's rated horsepower of such motor, but not in excess of ten (10) gallons for the 12-week period.

(3) For purposes of this paragraph the Board shall issue a separate ration for such non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on such book that it is issued for a non-occupational purpose. For purposes of this paragraph non-occupational uses shall include the use of a motor boat or outboard motor for sightseeing, guiding pleasure parties or conducting fishing parties other than to procure fish for sale or processing.

(c) If application is made for a non-highway ration for the operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or inboard motorboat) the Board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

(d) Except as provided in paragraph (a) of section 6.3, not more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any 12-week period.

Issuance of Ration Books and Acknowledgment of Delivery by OPA

Sec. 2.28 *Issuance of ration books by Office of Price Administration.* (a) Coupon books of all types designated in Revised Ration Order No. 5E may be issued by the Director of the Office of Price Administration for Puerto Rico, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this section which requires coupon books for use by such officers, agents, or employees shall make application therefor to the Director of the Office of Price Administration for Puerto Rico and shall state the number and type of books required and the use for which such books are intended.

Sec. 2.29 *Acknowledgment of delivery and allotment authorization.* (a) The Army, Navy, Marine Corps, Coast Guard, and Maritime Commission of the United States may obtain gasoline in exchange for a duly executed Acknowledgment of Delivery on Form OPA R-544. Such form shall bear the signature of an authorized officer, agent, or employee of any such agencies and shall be valid as an authorization for the transfer of gasoline by any person to whom it is presented to the extent of the gallonage stated thereon.

(b) The Army, Navy, Marine Corps, and Coast Guard of the United States, may obtain gasoline, and any person authorized by one of such agencies may obtain gasoline needed for the performance of services for such agency, in exchange for an Allotment Authorization executed by an authorized officer thereof. Such Allotment Authorization shall be valid as an authorization for the transfer of gasoline by any person to whom it is presented to the extent of the gallonage stated thereon.

Sec. 2.30 *Use of gasoline obtained by Army and other exempt agencies.* (a) Gasoline obtained pursuant to 2.29 may be used without restriction by the agency which executed the Acknowledgment of Delivery form or Allotment Authorization.

(b) Gasoline obtained pursuant to 2.29 may not be used in a vehicle, boat, or motor not owned, leased, or operated by the agency issuing such Acknowledgment of Delivery form or Allotment Authorization unless the person obtaining such gasoline surrenders, to the officer executing such form or transferring such gasoline, valid ration coupons having a gallonage value equal to the amount of gasoline transferred or authorized to be transferred by the Acknowledgment or Allotment Authorization. Coupons so surrendered shall be destroyed by the agency receiving them.

(c) For the purpose of this section the term "Army" shall include Post Exchanges operated by the Army of the United States, and the term "Navy" shall include Naval Stores operated by the United States Navy.

Sec. 2.31 *Value of coupons.* (a) Each gasoline ration coupon of the class hereinafter designated shall have the following value in gallons of gasoline:

Class:	Gallons
A-----	1/2
B-----	1/2
C-----	1 1/2
D-----	1/2
R-----	1, 5, 10 and 100
S1-----	3
S2-----	4
S3-----	8
S4-----	2
S5 (any color)-----	2
Gallon bulk-----	1
50 Gallon bulk-----	50
100 Gallon bulk-----	100

(b) The value of each coupon may be changed from time to time by the Director.

ARTICLE III—RESTRICTIONS ON TRANSFER AND USE OF RATIONS AND GASOLINE

Sec. 3.1 *Restrictions as to purpose.* (a) No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a supplemental, service, fleet, or non-highway ration has been issued may use or permit the use of such ration for a purpose other than that for which such ration was obtained.

Sec. 3.2 *Rations not transferable.* (a) No ration may be transferred or assigned. A ration may, however, subject to the provisions of 3.4 be used by anyone entitled to use the vehicle, boat, or equipment for which it was issued, if such use is for the purpose for which such ration was obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

(b) No person shall transfer or assign any ration and no person shall accept such transfer or assignment.

(c) No person shall transfer or assign, and no person shall accept a transfer or assignment of any gasoline coupon book or any bulk, inventory or other coupon

(whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or exchange certificate or other evidence, except in accordance with the provisions of Revised Ration Order 5E.

(d) No person shall have in his possession any gasoline coupon book or bulk, inventory or other coupon, whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration, or exchange certificate, or other evidence, except the person, or the agent of the person, to whom such book, coupon, certificate or other evidence was issued, or by whom it was acquired, in accordance with the provisions of Revised Ration Order 5E.

(e) The provisions of paragraphs (b), (c), and (d) of this Section shall not be applicable to public officials acting in the performance of their official duties.

(f) No person shall offer, solicit, attempt or agree to do any act in violation of the provisions of this Section.

Sec. 3.3 *Change of occupation of holder of Class C ration.* (a) The holder of a Class C ration (or of a Class D ration based on allowed mileage in excess of 280 miles per month) shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds that such motor vehicle will no longer be used for a preferred purpose listed in 2.7 it shall notify such holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 280 miles per month) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in 2.7 it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose listed in 2.7, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration, if any, as it determines that the holder is entitled to receive on the basis of his new application.

Sec. 3.4 *Use of rations issued for vehicles or boats available for public rental.* (a) A motor vehicle rental agency may permit a lessee to use a Service ration issued to such agency for

a vehicle leased by him, during the period of a bona fide lease for one week or less.

(b) A lessee of a vehicle available for public rental who leases such vehicle for a period of more than one week shall be deemed to be a person entitled to the use of such vehicle, within the meaning of 2.5. Such lessee may apply for a ration for use of such vehicle on his own behalf, and his right to such ration shall be determined solely by the nature and extent of his use of the vehicle. Application by such lessee for a ration pursuant to section 2.5 shall be made on Form OPA PRR-4, and the allowed mileage for the vehicle shall be computed in the manner established by section 2.6 for fleet vehicles. Upon termination of the lease, any ration issued to such lessee shall expire and all coupons or coupon books issued to him shall be returned by him to the issuing Board.

(c) Each motor vehicle rental agency shall keep a record showing the name and address of each lessee, the date and duration of the lease, the mileage driven by the lessee and the number of gallons, if any, supplied to the lessee and the number of coupons (if any) in its ration books, used by the lessee during the period of the lease. The lessee shall be required to sign such record and his signature shall constitute a certification as to the truth thereof.

(d) A boat rental agency may permit a lessee to use a non-highway ration issued for an inboard motorboat or outboard motor leased to him, only during the period of a bona fide lease for one week or less. A lessee of such boat or motor who leases it for a period of more than one week may obtain a non-highway ration on his own behalf pursuant to the provisions of 2.24 to 2.27 inclusive.

Prohibited Acts

SEC. 3.5 Restrictions on consumption of gasoline. (a) Except as provided in sections 3.2 (a), 3.4 (a) and 7.7, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or evidences: *Provided, That:*

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations) gasoline owned by him and in his possession prior to August 1, 1942.

(2) Any consumer may use gasoline owned by him and in his possession prior to August 1, 1942, for the operation of a licensed motor vehicle, or for non-occupational boat operation if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he returns to the local Board currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard or Maritime Commission of the United States, or to the consumption by anyone of gasoline brought into Puerto Rico in the fuel supply tank of a vehicle, boat or equipment.

(c) No new issue or renewal of any type of ration book, basic or otherwise,

shall be issued to any person unless such person shall have consumed, or shall have transferred to a dealer, all gasoline in his possession prior to August 1, 1942. At the time of such transfer, such person shall report to the local Board having jurisdiction over the area in which he resides the name and address of the dealer to whom the gasoline was transferred, the gallonage of gasoline transferred, and the date of the transfer. If the dealer is subject to the jurisdiction of a different local Board, the report shall be transmitted to such local Board.

SEC. 3.6 Restrictions on blending and use of blended gasoline. (a) No person shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of, or consume gasoline so blended, diluted, or mixed.

SEC. 3.7 Rations for racing or exhibition purposes. (a) No gasoline ration shall be issued, or may be used, under the provisions of this ration order, for the operation of any motor vehicle or boat in exhibition or races for public entertainment or prizes.

SEC. 3.8 Display of sticker. (a) No person may use a class A, B, C, or S ration issued for a registered motor vehicle unless a sticker identifying the class of ration issued in such form as may be prescribed by the Office of Price Administration, is permanently affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times. A person to whom a Class B or C ration in addition to a Class A ration has been issued shall display the sticker identifying such additional ration. No person shall retain or display such sticker upon a motor vehicle unless a ration corresponding to such sticker has been issued for use on such vehicle and is still unexpired and unrevoked.

SEC. 3.9 Restriction on use of gasoline in vehicle without ration. (a) On and after August 1, 1942, no gasoline may be used in Puerto Rico in a motor vehicle licensed in Puerto Rico unless a valid ration has been issued and is outstanding for use with such vehicle, and a sticker, indicating that a gasoline ration has been issued, is displayed on such vehicle in accordance with section 3.8.

SEC. 3.10 Use in violation of Revised Ration Order 1B. No person shall use or permit the use of gasoline for the operation of any motor vehicle which results in use of tires in violation of Revised Ration Order No. 1B.

SEC. 3.11 Tires unlawfully acquired. No person shall use or permit the use of gasoline for the operation of any motor vehicle which results in use of any tire acquired in violation of Revised Ration Order No. 1B.

SEC. 3.12 Abuse or neglect of tires. No person shall use or permit the use of gasoline in a motor vehicle in such a manner as to result in abuse or neglect of any tire. Driving of a motor vehicle beyond the point where tires are replaceable may be found to be abuse within the meaning of this section.

SEC. 3.13 Tire inspection records. No person shall use or permit the use of gasoline in a motor vehicle unless a Tire Inspection Record has been issued and is currently maintained for such vehicle as required by Revised Ration Order No. 1B.

SEC. 3.14 Certificate of War Necessity. No service ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used unless the operator has obtained and holds a currently valid Certificate of War Necessity with respect to such vehicle.

SEC. 3.15 Mileage limitation. No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for use with such vehicle.

SEC. 3.16 Limitation on speed. (a) No person shall use or permit the use of gasoline in the operation of a motor vehicle at any rate of speed in excess of thirty (30) miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health or public safety.

SEC. 3.17 Mutilation, destruction, or counterfeiting of coupon books or certificates. (a) No person other than a person authorized pursuant to Revised Ration Order 5E shall deface, mutilate, alter, burn or otherwise destroy any coupon book or bulk coupon or other coupons (whether such book was issued as a ration book and whether or not such coupon was issued as a ration or part of a ration book) or other evidence.

(b) No person shall counterfeit or forge any coupon book, or bulk coupon, or other coupon, or any other evidence.

(c) No person shall transfer, receive a transfer of, possess or use any forged, altered, or counterfeited coupon book or bulk coupon or other coupon or evidence.

(d) Any defacement, mutilation or alteration of a coupon or coupon book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid.

(e) The provisions of paragraphs (a), (c) and (d) of this section shall not be applicable to public officials acting in the course of their duties.

ARTICLE IV—RENEWAL OF RATIONS, ISSUANCE OF FURTHER RATIONS, AND DECLARATION OF TIRES

SEC. 4.1 Renewal of rations. (a) Rations shall expire as provided in sections 6.2 and 6.3. At any time within ten (10) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application in the applicant's gasoline needs, or in the nature, amount, and conditions of use of the motor vehicle

for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a further ration other than a basic ration may be made by executing the renewal certificate on such original application. The applicant shall, in such case, note on such renewal certificate any change in the nature or amount used since the date of the original application.

(c) When issuing a further ration prior to the expiration date of a current ration of the same class, the Board shall note on the application and on the front cover of the coupon book representing such further ration the date on which such further ration shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in section 4.2, no further ration of any class may be issued for use prior to, or may be used prior to, the expiration of the current ration of such class.

(e) A Board may in its discretion deny the issuance or renewal of a ration for use with a passenger automobile or commercial motor vehicle if the Tire Inspection Record issued for such vehicle or an inspection of the tires held for use thereon shows that any of the tires mounted on the vehicle or declared or held for use thereon needs recapping and if in the judgment of the Board the issuance or renewal of such ration would permit the holder thereof to drive such passenger automobile or commercial motor vehicle beyond the point where such tire is recappable or in any other way which would result in a waste of rubber.

SEC. 4.2 Issuance of further ration for use prior to expiration date of current ration. (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class other than a Basic ration issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than ten (10) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board determines that, for one or more reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration.

SEC. 4.3 General provisions. (a) All of the provisions of Revised Ration Order No. 5E applicable to the issuance of an original ration shall apply to the issuance of a further ration.

SEC. 4.4 Tire inspection record and declaration of tires. (a) No gasoline ration shall be renewed for the operation of any passenger automobile or commercial motor vehicle, unless the applicant, as required by Revised Ration Order 1B, shall have obtained a tire inspection record and set forth thereon a declaration of the number, size and serial number of all tires (including scrap tires) which are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption.

(b) A separate tire inspection record shall be obtained for each motor vehicle.

(c) The requirements of this section shall not apply to:

- (1) Motorcycles.
- (2) Vehicles operated solely on a special ration.
- (3) Vehicles not registered for use on the highway.

(4) Farm tractors and implements, road graders, earth movers, or industrial, mining or construction equipment not designed primarily for use on the highway.

(5) Tires reported on OPA Form PRR-17 by any person required to file such Form.

(6) Rations issued pursuant to section 2.28.

ARTICLE V—GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF GASOLINE RATIONS

SEC. 5.1 Presentation of license certificate. (a) No gasoline ration, other than a special ration issued pursuant to section 2.22 (b) (6) to (9) inclusive, shall be issued for any motor vehicle, unless a license certificate issued by the Department of Interior of the Insular Government of Puerto Rico, or a registration card or registration certificate of a state of the United States or of any foreign or territorial government, authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the registrar or the Board.

(b) No gasoline ration shall be issued pursuant to the provisions of paragraph (a) of this section unless the license certificate to be exhibited shall be current and valid at the time of the issuance of such ration.

SEC. 5.2 Notation on license certificate. (a) At the time of issuing a gasoline ration for a licensed motor vehicle other than a fleet vehicle, except in the case of a ration issued pursuant to section 2.22 (b) (6) to (9) inclusive, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the front of the license certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book issued.

SEC. 5.3 Notation on ration books and applications. (a) At the time of issuance of any ration book for a licensed motor vehicle, the person issuing such book shall make a clear notation on the cover thereof in ink, indelible pencil, or by typewriter, of the license number of the vehicle for which it is issued and of the name and address of the licensed owner of such vehicle.

(b) At the time of issuance of a non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil, or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

SEC. 5.4 Change in motor vehicle license number. (a) The holder of a ration book issued for a licensed motor vehicle, other than a ration book bearing a fleet identification, shall, upon any change in the license number of such vehicle, submit such ration book, together with the license certificate or registration card evidencing the new number, to a Board within five (5) days after such change for the purpose of having the notation thereon changed to correspond to the new license number. The person authorized to make the change for the Board to which such book is presented shall not obliterate the license number appearing thereon, but shall note thereon, in addition, in ink, indelible pencil, or by typewriter, the new license number issued for such vehicle, and countersign or initial the change made on the book. Notation on the new license certificates or registration card shall also be made, as prescribed in section 5.2.

(b) The holder of any book bearing a fleet identification shall, upon any change in the name, identification, or designation of such fleet, submit such book to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such fleet, the Board shall change the designation on such book to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

(d) Any alteration on the face or cover of any ration book, unless made and countersigned by a person authorized to do so under Revised Ration Order No. 5E shall render such book, and the coupons therein, invalid.

SEC. 5.5 Authorization of bulk purchase. (a) Any person who establishes to the satisfaction of a Board that he maintains a storage tank for supplying gasoline to one or more motor vehicles or units of non-highway equipment operated by him, and that he has maintained such tank for such purposes prior to June 1, 1942, or that it is now necessary for supplying gasoline to such vehicles or for such use to maintain a storage tank or to acquire gasoline in a tank, tank truck, drum, or other container, may, when applying for a gasoline ration, request the Board to issue such ration in the form of bulk coupons, or partly in bulk coupons and partly in coupon books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

(b) If the applicant establishes the facts required by paragraph (a) hereof, the Board may issue bulk coupons to the extent of the gallonage allowed by it for

which bulk coupons are requested: *Provided*, That, with respect to applications for supplemental rations or for fleet rations for passenger automobiles or motorcycles the Board shall first determine the type, number and expiration date of the coupon books to which the applicant is entitled; it may then issue bulk coupons, to the extent requested by the applicant, having a gallonage value equal to the value in units of the coupons in the coupon books to which the applicant is entitled and in lieu of which such bulk coupons are issued: *Provided further*, That bulk coupons shall not be issued unless the applicant establishes the necessity for acquiring 100 gallons or more per month by such coupons.

(c) No bulk transfer of 10 gallons or more shall be made to a consumer by any person unless prior written authorization has been granted by the Director.

(d) No gasoline acquired under the provisions of this section may be transferred into any storage tank in which gasoline is stored for sale or for the private use of any other bulk ration holder.

SEC. 5.6 *Lost, stolen, destroyed, mutilated, or wrongfully withheld coupon books or bulk coupons.* (a) In the event of loss, theft, destruction, or mutilation of any coupon books or bulk coupons or the wrongful withholding of such coupons from the rightful holder, the person entitled to the possession thereof shall make application for the replacement of such book or coupons pursuant to the provisions of Procedural Regulation No. 12: *Provided*, That where application is made for replacement of a coupon book or bulk coupons which have been lost or stolen, the board may waive all waiting periods provided for in paragraphs (a) and (b) of § 1300.954 of Procedural Regulation No. 12² where such requirement will result in extreme hardship upon the individual, impede essential transportation or will be contrary to the public interest: *Provided further*, That where application is made to a Board other than the Board of original issuance of the coupon book or bulk coupons, an additional copy of the application shall be made to be forwarded to the Board of original issuance.

(b) Any person who finds a gasoline coupon book, coupon, exchange certificate or other evidence shall, within five (5) days, surrender it to a Board.

(c) The Board to which surrender is made pursuant to paragraph (b) shall forward such coupon book, coupon, exchange certificate or other evidence through the Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon, exchange certificate or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon, exchange certificate or other evidence.

SEC. 5.7 *Signature on coupon book.* No coupon book shall be valid until the person to whom such book is issued has

signed the certification provided for therein.

ARTICLE VI—EXPIRATION AND REVOCATION OF RATIONS

SEC. 6.1 *Surrender of expired coupons.* (a) No coupon book issued in Puerto Rico shall be valid for the transfer of gasoline to a consumer in Puerto Rico after the expiration thereof, or to any consumer at any time outside of Puerto Rico.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all expired coupon books and all unused coupons representing such ration.

SEC. 6.2 *Expiration of rations.* All basic rations shall expire at midnight, January 31, 1944 and at six month intervals thereafter. All other rations shall expire at midnight of the last date on which the highest numbered coupon therein is valid.

SEC. 6.3 *Expiration of rations upon cessation of use or change in ownership.*

(a) Upon cessation of use or bona fide transfer of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the issuing Board by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment may apply for a gasoline ration in accordance with the applicable provisions of Revised Ration Order No. 5E.

(b) Upon cessation of use of a ration, other than a basic ration, for a purpose for which such ration was obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the issuing Board by the person to whom such ration was issued.

SEC. 6.4 *Denial of gasoline rations.*

(a) No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.2806 (c) of Ration Order 5B for refusal to surrender a gasoline ration book upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Revised Ration Order No. 5E while his name remains thus recorded.

SEC. 6.5 *Coupon books property of Office of Price Administration; revocations.*

(a) All coupon books, bulk coupons, inventory coupons, other evidences and tire inspection records are and when issued shall remain the property of the Office of Price Administration. The Office of Price Administration may suspend, cancel, revoke or recall any ration and may require the surrender and return of any coupon book, bulk coupon, inventory coupon, other evidences and tire inspection records during suspension or pursuant to revocation or cancellation, whenever it is deemed in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person to whom a gasoline ration has been issued has been found by it to have violated an order of such office, which now is or may hereafter be applicable to Puerto Rico, and upon recommendation by such office that a gasoline ration issued to such person or any part thereof be revoked, the Director acting through a Board or such officers or agents as he may designate shall revoke such ration or such part thereof in accordance with such recommendation.

(c) Any ration issued to a person not entitled thereto on the basis of the facts, stated in the application, may be revoked by the issuing Board and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue such ration in lieu of the ration revoked.

(d) Within forty-eight hours of receiving notice of an order requiring the surrender of coupons or coupon books made pursuant to the provisions of this section, the person holding such coupons or coupon books shall surrender them to the Board of the representative of the Office of Price Administration that issued such order.

SEC. 6.6 *Revocation, suspension, and denial of consumer's ration after hearing.* (a) A Board, after hearing, may revoke, cancel or suspend the ration, or rations of a person in whole or in part, and in such a case require the surrender to it of coupons, coupon books or other ration evidences to the extent required to make such revocation, cancellation or suspension effective, may deny a ration or rations in whole or in part and for such period as the Board may deem appropriate in the public interest, where a person has violated any of the provisions of Revised Ration Order 1B or Revised Ration Order 5E. Such order of revocation and declaration of ineligibility shall be made pursuant to the following procedure:

(1) Notice of the date, time, place and purpose of the hearing and the violation with which he is charged shall be given to the person (hereafter called the respondent) against whom the proceedings are instituted at least five (5) days before the date set for the hearing. A copy thereof shall be sent to the Territorial office at San Juan. If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that the respondent has committed any of the acts or violations with which he is charged, the Board may by order revoke, cancel and suspend for a period which shall be stated therein, the rations issued to him in whole or in part and direct him to surrender to it the coupons, coupon books or other ration evidences issued to him to the extent required to make such revocation effective, and the Board may by order deny him a ration or rations in whole or in part for such period as the Board may deem appropriate in the public interest.

(2) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a rea-

² 8 F.R. 3171, 6543, 11688, 14737, 15461; 9 F.R. 6108, 12537, 14536.

sonable time not to exceed thirty days from the effective date of such order, good cause to the Board for such failure, the Board may cancel or order the stay of such order and shall grant the respondent a full hearing on the charges made.

(3) A copy of the order shall be served promptly on the respondent personally or by registered mail, return receipt requested, directed to his last known address, and copies thereof shall be sent to the Territorial Office at San Juan. The Board, in its discretion, shall fix the effective date of such order except that if the Board fails to fix such effective date such order shall, if personally served, become effective at the time of such service, and if served by registered mail, on the date of delivery shown on the return receipt.

(4) The Board may designate one or more of its members to perform the functions prescribed in this paragraph. The Board may appoint volunteer hearing officers approved by the Director to conduct hearings pursuant to this section. In matters in which a hearing officer has been appointed, he shall preside at the hearing, and make an oral or written report of his findings to the Board, which shall decide the matter.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) of this section, may, within fifteen (15) days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the Board which issued it. Within three (3) days after receipt of the statement the Board shall forward it, together with a copy of the notice instituting such proceedings, a copy of the record, if any, and a copy of the Board's order to the Hearing Commissioner for the Territory of Puerto Rico at San Juan. Within five (5) days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the Chief Counsel for the Territory of Puerto Rico of the time and place set for the hearing. The hearing shall be heard and determined pursuant to the provisions of § 1300.169 of Revised Procedural Regulation No. 4³ and amendments thereto.

SEC. 6.7 Effective Period of order revoking ration and of declaration of ineligibility. Whenever a ration of a ration holder has been revoked, cancelled, or suspended or a person has been denied a ration for a specified period pursuant to the provisions of section 6.5 (b) or section 6.6 (a), or pursuant to the provisions of Revised Procedural Regulation No. 4, no ration or renewal of a ration shall be issued, during the period of such revocation, cancellation, suspension or denial, to such ration holder or to any other person for his use in lieu of such revoked ration or in lieu of the ration which such ration holder has been declared ineligible to receive, except in accordance with the provisions of such order or as otherwise provided in Revised Ration Order No. 5E or in Revised Procedural Regulation No. 4 or any order issued pursuant thereto.

SEC. 6.8 Presentation of Registration Cards and Tire Inspection Records after revocation of ration or denial of rations for a specified period and notations thereon. Whenever by an order issued pursuant to the provisions of Revised Ration Order No. 5E a ration of a person is revoked, cancelled or suspended in whole or in part, or a person has been denied a ration for a specified period, pursuant to section 6.6 (a) or such an order has been modified or nullified, such person shall, within twenty-four (24) hours after such order becomes effective, present the Tire Inspection Record and the registration card or registration certificate, if any, of any motor vehicle affected by any such order to the Board or representative of the Office of Price Administration that issued or modified such order. Thereupon such officer or the Board shall make a clear notation in ink, indelible pencil or by typewriter on the Tire Inspection Record and the registration card or registration certificate, if any, stating the effect of such order or any modification thereof.

ARTICLE VII—RESTRICTIONS ON TRANSFER

SEC. 7.1 Restriction on transfer to consumers. (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer, intermediate distributor or oil company shall (except as provided in 2.30, 7.6 and 7.7) transfer or offer to transfer gasoline to a consumer, and no consumer shall accept transfer of such gasoline.

(b) No dealer shall transfer gasoline to a consumer between the hours 6:00 p. m., on any day and 6:00 a. m., on the following day, nor between the hours of 1:00 p. m., on a Saturday and 6:00 a. m., on the following Monday: *Provided, however,* That during the zafta season of 1944-45 a Local War Price and Rationing Board, whenever it deems it necessary, may authorize a dealer to transfer gasoline against zafta certificates issued for use between the hours of 1:00 p. m., and 6:00 p. m., on Saturday and between the hours of 6:00 a. m., and 6:00 p. m., on Sunday.

SEC. 7.2 Transfers to consumers. Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer, intermediate distributor, or oil company may transfer gasoline to a consumer in Puerto Rico, and such consumer may accept such transfer of gasoline, only in exchange for valid coupons or other evidences issued in Puerto Rico.

SEC. 7.3 Transfer to consumers in exchange for coupons. (a) A transfer of gasoline may be made in exchange for coupons contained in Class A, B, C, D, S-1, S-2, S-3, S-4, or S-5 books, under the following conditions:

(1) At the time of transfer, the transferor shall require presentation of the coupon book and must detach therefrom coupons having an aggregate gallonage value equal to the amount of gasoline transferred: *Provided,* That if the transferee is able to accept only a portion of the amount of gasoline represented by the gallonage value of a coupon, the transferor shall nevertheless detach an

entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor. At the time of transfer, the transferor shall write legibly, in ink or indelible pencil, across the face of each coupon accepted in exchange for the transfer, the license number of the vehicle into the fuel tank of which the fuel has been transferred.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented: *Provided,* That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further,* That bulk transfer may also be made of an amount of gasoline, not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply. In such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer for identification.

(3) Transfer may be made only during the valid period of the coupons pursuant to sections 2.2; 2.4; and 2.12.

(b) Bulk transfer may be made in exchange for R coupons under the following conditions:

(1) No transfer in exchange for R coupons may be made into the fuel tank of, or knowingly made for use in, a licensed motor vehicle or a motor vehicle held by a motor vehicle dealer for sale or resale.

(2) The transferor shall require surrender, at or before the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred: *Provided,* That in the case of any delivery made in the absence of the transferor or his agent, by tank car or other carrier, or the absence of the transferee or his agent, coupons need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within forty-eight (48) hours after delivery.

SEC. 7.4 Transfers in exchange for acknowledgement of delivery and allotment authorization. (a) Transfer may be made in exchange for an acknowledgement of delivery or an allotment authorization duly executed by an appropriate officer of the armed forces of the United States in accordance with the provisions of section 2.29.

SEC. 7.5 Emergency transfers. (a) Transfer may be made in exchange for an emergency receipt on Form OPA R-555, which may be obtained from any dealer.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health, or valuable property, may obtain such gasoline by signing an emergency receipt in quadruplicate and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a licensed motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

³9 F.R. 9412.

(c) Any dealer, intermediate distributor, or oil company who has transferred gasoline in exchange for an emergency receipt, shall retain one copy at the establishment where the transfer occurred, and shall transmit triplicate copies of such emergency receipt to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that the transferor made a transfer in good faith of the amount of gasoline specified in such emergency receipt, shall issue to him, in exchange therefor, inventory coupons equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such receipt in its own files, shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the receipt, and shall send the third copy to the Director of the Office of Price Administration for Puerto Rico.

SEC. 7.6 Transfer of vehicle, boat or equipment. (a) Nothing in Revised Ration Order No. 5E shall be deemed to forbid the transfer of gasoline actually in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a bona fide transfer of such vehicle, boat or equipment itself; or the consumption by the transferee in such vehicle, boat, or equipment of gasoline actually in the fuel supply tank thereof at the time of transfer.

SEC. 7.7 Transfer of consumer establishments. (a) Nothing in Revised Ration Order No. 5E shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment in conjunction with a bona fide transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) of this section is made shall forthwith report such transfer and the amount of gasoline involved to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or intermediate distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or intermediate distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred: *Provided*, That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided*, That he may consume such gasoline only for the purpose for which such ration may be issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

SEC. 7.8 Transfers from fuel tank to fuel tank of vehicles and boats forbidden. (a) No gasoline contained in the

fuel tank of any licensed motor vehicle, inboard motorboat, outboard motor, or non-highway equipment shall be transferred therefrom to the fuel tank of any licensed motor vehicle, or of any inboard motorboat, outboard motor, or non-highway equipment operated in Puerto Rico, or to any other containers: *Provided, however*, That such transfers of gasoline may be made to other containers while such vehicles are undergoing repairs, upon the completion of which the gasoline so transferred must be poured back into said fuel tanks.

SEC. 7.9 Discrimination by dealers and intermediate distributors. (a) No dealer or intermediate distributor shall discriminate in the transfer of gasoline among any consumers lawfully entitled to acquire gasoline under the provisions of Revised Ration Order No. 5E by selling only to favored consumers or classes of consumers, or only to regular customers, and refusing to sell to others who are entitled to acquire gasoline under the provisions of Revised Ration Order No. 5E. Nothing in this section, however, shall be construed to prohibit a dealer or intermediate distributor from adopting restrictions which apply to all consumers or from holding reserve stocks for delivery to persons presenting acknowledgements of delivery or allotment authorizations duly executed by the authorized officer of the armed forces of the United States.

SEC. 7.10 Restriction on transfers between dealers, intermediate distributors, and oil companies. (a) Except as provided in section 7.11, no dealer, intermediate distributor, or oil company shall transfer or offer to transfer to or shall receive a transfer of gasoline from any other dealer, intermediate distributor or oil company, except in exchange for a quantity of valid exchange certificates on Form OPA R-548, issued by local Boards, at or before the time of actual delivery of the gasoline, equal in gallonage value to the amount of gasoline so transferred: *Provided, however*, That nothing herein contained shall be interpreted as prohibiting transfers of gasoline between oil companies on condition that such oil companies shall render to the Director, within the first ten days of every month, a full report showing the inter-company transfers of gasoline made during the previous month.

SEC. 7.11 Odd-lot deliveries. (a) If an oil company or intermediate distributor elects to make delivery of gasoline to a dealer in an amount less than the total gallonage represented by an exchange certificate or certificates then in the possession of the dealer, he may do so: *Provided*, That the number of gallons delivered and the date are endorsed upon the certificates together with the balance in gallonage remaining to the credit of the dealer, and the endorsement is initialed by both the dealer (or his agent) and the distributor (or his agent).

(b) The distributor shall indicate upon the invoice of the sale, which is left with the dealer pursuant to section 8.1, the total gallonage value of the exchange certificate covering the sale.

SEC. 7.12 Upstream transfers. (a) Any oil company or intermediate distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor in Puerto Rico other than in connection with a transfer of the place of business of such dealer or intermediate distributor, shall deliver to such dealer or intermediate distributor a quantity of accumulated Exchange Certificates on Form OPA R-548 equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Any dealer who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver to the Board having jurisdiction over the area in which the place of business of such dealer is located a quantity of coupons or other evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement setting forth the name and address of the consumer from whom the gasoline was acquired, the quantity of gasoline so acquired, and the date thereof.

SEC. 7.13 Preservation of coupons: coupon sheets. (a) Each dealer shall affix the coupons received by him directly from consumers to a Coupon Sheet (Form OPA R-542) in the manner indicated thereon. Only coupons of one class shall be attached to any one sheet.

SEC. 7.14 Preservation of acknowledgments. (a) Each dealer and intermediate distributor shall attach the Acknowledgments and Allotment Authorization delivered to him by authorized purchasers to a Summary of Acknowledgments (Form OPA R-541) on which he shall enter for each such Acknowledgment and Allotment Authorization, in order, the date of purchase, name of purchaser, and number of gallons sold.

SEC. 7.15 Summary of coupons. (a) Each dealer shall, prior to every delivery by him of coupons and all other evidences to the Boards, in accordance with Section 7.16, prepare, in duplicate on Form OPA R-541, a Summary of Coupons and the Acknowledgments, in the manner directed thereon, certifying the number of each type of coupon and the number of evidences to be delivered. The original of this summary shall be delivered to the Local Board attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year.

SEC. 7.16 Exchange of Coupons for Exchange Certificates. (a) Each dealer shall, from time to time, deliver to any Board all coupons other evidences in his possession, together with a summary thereof on Form OPA R-541, as set forth in Section 7.15, and shall receive in place thereof an Exchange Certificate (Form OPA R-548), of which a duplicate shall be retained by the Board for its files, which shall specify the total gallonage value of the coupons or other evidences and the total number of each class of coupons or other evidences: *Provided*, That no exchange certificate shall be issued

by the Board unless the dealer has complied with the provisions of paragraph (b) of this section.

(b) Each dealer shall in accordance with paragraph (a) hereof, turn in all coupons or other evidences of any class or type not later than 4:00 p. m., Saturday of the week during which such coupons or other evidences were valid, and shall deliver to the Board on every such Saturday, from 1:00 to 4:00 p. m., on Form OPA-PRR-186 (Revised), a report showing the gasoline movement of the dealer during said week: *Provided, however,* That a dealer authorized by a Local War Price and Rationing Board to transfer gasoline on Saturday from 1:00 to 6:00 p. m., and on Sunday from 6:00 a. m. to 6:00 p. m., against zafta certificates issued for use on said days during the zafta season of 1944-45 may turn in such zafta certificates to the Board not later than 9:00 a. m., on the following Monday.

(c) No Exchange Certificate shall be transferred at any time without an endorsement on the back thereof showing the date of the transfer, the names of the transferor and transferee, and the reason for the transfer.

SEC. 7.17 Certification of shortage.

(a) Dealers and intermediate distributors shall be permitted, not later than the fifth day of any month, to apply on Form OPA-R-549 for compensation for losses, in the preceding month of gasoline through evaporation, handling, accident, or other extraordinary circumstances; and dealers, intermediate distributors and oil companies shall be permitted so to account for unavoidable loss of coupons. The certification of shortage shall be submitted to the Board having jurisdiction of the area in which such dealer or intermediate distributor has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation therefor. The Board shall forward the application with its recommendation to the Director, and upon his written approval, may issue to the applicant a quantity of inventory coupons equal to the amount of the proven loss: *Provided,* That the Board may issue without the approval of the Director, as compensation for a shortage resulting from shrinkage or evaporation, certificates having a gallonage value not in excess of one-half of one percent of the gallonage delivered each month.

ARTICLE VIII—RECORDS AND REPORTS BY DISTRIBUTORS AND DEALERS

SEC. 8.1 *Records to be kept by dealers and intermediate distributors.* (a) At the time of making delivery of gasoline to any dealer or intermediate distributor in Puerto Rico, every oil company shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the purchaser and the date and quantity of the purchase; and every such purchaser shall retain at his place of business for a period of at least one year from the date of his purchase of gasoline the invoice, delivery ticket, or other evidence so furnished him.

SEC. 8.2 *Reports by oil companies.* (a) Every oil company shall, on or before the 10th day of each month, submit to the Director a written report for the previous calendar month showing:

(1) The gasoline gallonage on hand at the close of business on the last day of the month preceding the month for which the report is made.

(2) The gallonage imported during the month for which the report is made.

(3) The gallonage transferred to and received from other oil companies during the month for which the report is made.

(4) The gallonage on hand at the close of business on the last day of the month for which the report is made.

(5) The gallonage transferred to the armed forces of the United States during the month for which the report is made.

(6) The gallonage transferred to intermediate distributors, dealers, or consumers during the month for which the report is made.

(7) Any balance due any dealer at the end of the month resulting from odd-lot deliveries pursuant to Section 7.11.

(b) Every oil company shall attach to such report all evidences received in exchange for gasoline so transferred by it during the month for which the report is made. The oil company shall include in its report a reconciliation of any difference between the total gallonage reported so transferred and the total gallonage represented by the evidences attached to the report.

SEC. 8.3 *Reports by Collector of Customs.* (a) As soon after the first of each month as is practicable, the United States Collector of Customs for the Island of Puerto Rico shall prepare and send to the Director a written report for the previous calendar month containing the following information:

(1) The total gasoline gallonage imported into the Island of Puerto Rico during the previous month, and the gallonage allotted to each oil company.

(2) The total gallonage and the gallonage of each oil company exported from the Island of Puerto Rico during the previous month.

(3) The total gasoline inventory of the oil companies, and the inventory of each individual oil company, at the close of business on the last day of the month for which the report is made.

SEC. 8.4 *Explanation by oil companies.* (a) The Director may, at any time, require any oil company to explain a discrepancy existing between the figures supplied in its monthly report and the number of evidences turned in by it to the Office of Price Administration for Puerto Rico and the monthly report made by the Collector of Customs.

(b) The Director may at any time require any dealer to explain the discrepancy existing between the total of his inventory of gasoline on hand plus the number of evidences received by him in connection with the sale of gasoline and the total amount of gasoline plus the number of evidences which he should have on hand.

SEC. 8.5 *Accountability and records of dealers and intermediate distributors.*

(a) Every dealer and intermediate dis-

tributor shall be accountable for all gasoline, coupons, ration credits and other evidences received by him and shall at all times have in his possession or control coupons, ration credits or other evidences having an aggregate gallonage value which, when added to the number of gallons of gasoline on hand, is equivalent in gallonage to his total gasoline storage capacity as stated in his registration filed with the Board pursuant to section 9.1 of Revised Ration Order 5E or sections 9.8 and 9.9 of Revised Ration Order 5E (except for such gasoline as may be accounted for by evaporation, handling, accident or other extraordinary circumstances, and except for such coupons or other evidences as may be accounted for by theft or unavoidable loss or by failure to receive all inventory coupons to which he was entitled upon registration).

(b) At the time of making any delivery of gasoline to any dealer or intermediate distributor, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the transferee and the date and quantity of the transfer; and every such transferee shall retain at his place of business for a period of at least one year from the date of his receipt of such gasoline the invoice, delivery ticket, or other evidence so furnished him.

SEC. 8.6 *Inspection of records and facilities.* (a) All records, reports, forms, accounts, or other documents required by Revised Ration Order 5E to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees or by such persons as the Office of Price Administration may designate for the purpose of making inspections. Such inspections may be made at the place of business of any such person during regular hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any reasonable time and place designated by the Office of Price Administration.

ARTICLE IX—OPENING, CLOSING AND TRANSFERRING OF BUSINESS

SEC. 9.1 *Registration of new or reopened place of business.* (a) Any dealer or intermediate distributor who opens or reopens in Puerto Rico a place of business not previously registered by such dealer or intermediate distributor pursuant to Ration Order 5B shall, prior to receipt or transfer of any gasoline, register on Form OPA R-545 in duplicate with the Director the following matters together with such other information as may be required:

(1) His total inventory of gasoline on hand at the time of registration.

(2) His total gasoline storage capacity.

(3) His name, firm name, business address, and type of business.

(4) A certification as to the correctness of each of the foregoing items of information.

(b) Separate registration shall be made by such dealer or intermediate distributor for each place or business in

Puerto Rico where gasoline is transferred.

SEC. 9.2 What constitutes gasoline on hand. (a) The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to the date of registration. Gasoline shipped to a dealer or intermediate distributor on or prior to the date of registration, but received by him at any time after the date of registration shall be deemed to be gasoline transferred to him subsequent to the date of registration, and shall require an exchange therefor of coupons or other evidences in the manner provided in sections 7.10 and 7.12.

SEC. 9.3 What constitutes storage capacity. (a) The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums, or other movable containers: *Provided, however,* That a registrant who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

SEC. 9.4 Issuance of registration certificates. (a) The Director, on determining that the information and certification submitted by the registrant are in good order, shall by his signature approve the same, in duplicate, forward duplicate to local Board having jurisdiction, and return the original to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies and shall present it as an identification at the time of transacting business with any Board.

SEC. 9.5 Issuance of inventory coupons. (a) The Board shall, at the time of receiving an approved registration certificate, issue to the registrant inventory coupons in the amount of the difference between the total gasoline storage capacity for each place of business and the total inventory of gasoline on hand as certified by the registrant. A one-hundred gallon inventory coupon or a quantity of class A coupons may at any time subsequent to registration be exchanged at any Board in Puerto Rico by a dealer or intermediate distributor for an equivalent amount of one-gallon inventory coupons.

SEC. 9.6 Restriction on use of inventory coupons. (a) Every dealer and intermediate distributor shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall exchange his inventory coupons only when a delivery to him exceeds the number of consumer coupons or other evidences available for exchange: *Provided, however,* That one-gallon inventory coupons may be used at any time to make up the difference between the number of gallons in any delivery and the nearest number of gallons which can be represented by the use of consumer coupons or other evidences.

SEC. 9.7 Cessation of business. (a) Any dealer or intermediate distributor

who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the original certificate of registration of such place of business and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of such place of business.

SEC. 9.8 Sale of place of business. (a) Any person acquiring from a dealer or intermediate distributor a place of business already registered in accordance with the provisions of § 1394.2901 of Ration Order 5B shall, prior to receipt or transfer of any gasoline, register such place of business, and shall be issued inventory coupons equal in gallonage value to the total capacity of the entire gasoline storage facilities of such place of business, as prescribed in section 9.1 to 9.5, inclusive. He shall then deliver to the transferor of such place of business a quantity of inventory coupons equal in gallonage value to the total amount of gasoline on hand as of the time of transfer. The transferor shall deliver to the Board having jurisdiction over the area in which the place of business transferred by him is located, the certificate of registration of such place of business, together with a quantity of coupons or other evidences equal in gallonage value to the total capacity of the entire gasoline storage facilities of such place of business.

SEC. 9.9 Change of storage capacity. (a) Any dealer or intermediate distributor in any manner altering the total capacity of the gasoline storage facilities of a place of business shall deliver for cancellation, to the Board having jurisdiction over the area in which each place of business is located, his original certificate of registration, and shall obtain a new certificate of registration in the manner provided by sections 9.1 to 9.4, inclusive, of Revised Ration Order 5E. The Board shall attach to its copy of the new certificate the original and copy of the cancelled certificate. Where the capacity of the gasoline storage facilities is decreased, the dealer or intermediate distributor shall furnish to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of the decrease. Where the capacity of his gasoline storage facilities is increased, the Board shall issue to the dealer or intermediate distributor in the manner described in section 9.1 of Revised Ration Order 5E a quantity of inventory coupons equal in gallonage value to the amount of the increase.

ARTICLE X—ADJUSTMENTS AND APPEALS

SEC. 10.1 Adjustment of errors made by registrars. (a) Any person who claims that a registrar improperly refused to issue a basic ration book or made an error in issuing a basic ration book on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a basic ration book was denied or was incorrectly issued to

him by a registrar, by reason of an error in his application, may make a new application, to a Board, for a basic ration book. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application or, if such original application cannot expeditiously be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made by the applicant or by the registrar, it shall issue a basic ration book, or correct the book issued by the registrar, or issue a new book in place of the one issued by the registrar, or take such other action in accordance with the provisions of this order as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having gallonage value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced and, in the case of an A or D book, any expired coupons.

SEC. 10.2 Appeals from decisions of Boards. (a) Any person may appeal within thirty (30) days from an adverse decision of a Board. Except as provided in section 6.6 such appeals shall be taken only in accordance with the provisions of Procedural Regulation No. 9⁴ and amendments thereto, issued by the Office of Price Administration.

ARTICLE XI—ENFORCEMENT

SEC. 11.1 Criminal prosecutions. (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Revised Ration Order 5E or who otherwise knowingly furnishes false information to any Board or any other agent, employee or officer of the Office of Price Administration, or falsifies or who conceals or covers up a material fact, by any trick, scheme or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Revised Ration Order 5E may upon conviction be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required by any provi-

⁴ 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11808, 12482, 14211; 9 F.R. 1594, 4539, 10491; 10 F.R. 2478.

sion of Revised Ration Order 5E may, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 11.2 *Suspension orders.* (a) Any person who violates Revised Ration Order 5E may, by administrative suspension order, be prohibited from receiving any deliveries or transfers of, or selling or using or otherwise disposing of, any gasoline, tires, tubes or camelback. Proceedings for the suspension orders shall be instituted and governed by the provisions of Revised Procedural Regulation No. 4.

Effective date. This revised ration order shall become effective May 30, 1945.

Note: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of May 1945.

SAM GILSTRAP,
Director, Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-8894; Filed, May 25, 1945;
11:42 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL
PRODUCTS
[Rev. RO 5F]

MILEAGE RATIONING: GASOLINE REGULATIONS
FOR THE TERRITORY OF HAWAII

Ration Order 5F is redesignated Revised Ration Order 5F and is revised to read as set forth below.

Preamble: Hawaii was the first section of the United States to institute gasoline rationing. One day after the beginning of war, the motorists of Hawaii learned the effects that a sudden curtailment of transportation by the private automobile can have. The speed with which rationing was instituted necessarily meant that subsequent changes based on wider experience would have to be made, since it was more important at that time to cut the over-all consumption of gasoline than to provide for equitable distribution through detailed regulations. From that date to July 1, 1943, the regulations of the Military Governor first, and after March 10, 1943, those of the Office of Price Administration have approached the mainland system of rationing. The final step of adopting a Territory-wide modified form of mileage rationing is, therefore, only the logical culmination of the various rationing systems in effect on each island.

§ 1394.9205 *Rationing of gasoline in the Territory of Hawaii.* Under the authority vested in the Office of Price Administration and the Price Administrator by Executive Order 9125 issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive I-Q of the War Production Board, issued January

24 and November 6, 1942, respectively, and under the authority vested in me by General Order No. 48 of the Price Administrator, issued March 5, 1943, this Revised Ration Order 5F (Mileage Rationing: Gasoline Regulations for the Territory of Hawaii), which is annexed hereto and made a part hereof, is hereby issued.

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NO. 5F

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ARTICLE XV—NEW REGISTRATIONS

- Sec.
 15.1 Registration of new or reopened place of business.
 15.2 Cessation of business.
 15.3 Acquisition of dealer's place of business.
 15.4 Change of storage capacity.
- ARTICLE XVI—GENERAL PROVISIONS
 16.1 Inspection of records and facilities.
 16.2 Adjustment of errors.
 16.3 Appeals from decisions of boards.
 16.4 Designation of unit value of coupons.
 16.5 Effective date.

AUTHORITY: § 1394.9205 issued under Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898.

ARTICLE I—SCOPE OF REVISED RATION ORDER NO. 5F

SEC. 1.1 *Territorial limitations.* The provisions of this revised ration order shall apply only in the Islands of Kauai, Maui, Oahu, Hawaii and Molokai in the Territory of Hawaii.

SEC. 1.2 *Scope of restrictions.* Nothing in this revised ration order shall be construed to limit the quantity of gasoline which may be acquired by or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States.

SEC. 1.3 *Effect of Revised Ration Order No. 5F on outstanding rations.* (a) No provision of this order shall affect the validity or valid period of any ration issued pursuant to a gasoline ration order in effect on any of the islands of the Territory prior to the effective date of this order.

(b) All rations issued pursuant to any other gasoline ration order previously in effect in the Territory, which remain in effect beyond the effective date of this order, shall be subject to the same restrictions, prohibitions and conditions of use as though they were issued pursuant to this order.

ARTICLE II—DEFINITIONS

SEC. 2.1 *Definitions.* (a) When used in Revised Ration Order No. 5F:

(1) "All-purpose family vehicle" means a pick-up truck of less than one-ton capacity if it is the only motor vehicle used for carrying passengers which is operated by an applicant and by all members of his household, and if it has regularly been used for family driving purposes.

(2) "Board" means, as required by the context, one or more of the following types of organizations established by the Office of Price Administration: a war price and rationing board; a plant area board designated to serve the workers in specified military or naval establishments; or a commercial board designated to serve fleets of commercial motor vehicles and other specified vehicles or equipment operated by the same organization in a single county or island.

(3) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(4) "Bulk transfer" means any transfer of gasoline other than into the fuel tank of a motor vehicle or into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(5) "Commercial account" means a consumer who controls gasoline storage facilities, and who is entitled to gasoline rations of 500 gallons or more per month.

(6) "Commercial motor vehicle" means (i) a straight truck or truck-tractor; a station wagon or passenger car which is registered as a truck and used primarily for transporting material or equipment in the course of an occupation; and any motor vehicle (except a motorcycle) built or rebuilt primarily for the purpose of transporting property; but does not include an "all purpose family vehicle"; (ii) any of the following motor vehicles used in the transportation of persons on the highway; a bus; an ambulance or hearse; a taxicab or jitney and any motor vehicle (except a motorcycle) available for public rental for periods of seven consecutive days or less; and (iii) any other motor vehicle which is not a passenger automobile or motorcycle.

(7) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(8) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

(9) "Director" means the person acting as a Director of the Office of Price Administration for the Territory of Hawaii.

(10) "Distributor" means any person required to be licensed as a distributor under the Hawaiian Fuel Tax Act.

(11) "Equipment" when reference is made to the registration of passenger-type tires, means any conveyance, other than a motor vehicle, designed for and capable of operation on one or more wheels, and any machinery in the operation of which wheels with mounted tires are used.

(12) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term includes coupons, gasoline tickets issued by an issuing agent, inventory coupons, gasoline certificates and exchange certificates on OPA Form R-548 issued by a Board in return for other evidences received.

(13) "Fleet" as applied to a passenger automobile or motorcycle means that such vehicle is one of five or more pas-

senger automobiles or of five or more motorcycles owned or leased by and used by the same person principally in connection with one or more related occupations or as applied to a commercial motor vehicle, that such vehicle is one of five or more commercial vehicles owned or operated by the same person.

(14) "Gasoline" means any petroleum product either commonly known or sold as gasoline (including casinghead and natural gasoline) or having a flash point below 100° Fahrenheit (closed cup test, ASTM D-56-36), except:

Fuel oil as defined in Revised Ration Order No. 11, naphthas, aromatics, synthetic rubber raw materials, solvents or specialties, not used or blended for use as fuel in internal combustion engines. Any quantity of the foregoing products which is used or blended for use as fuel in internal combustion engines shall be deemed to be gasoline when the product so used or blended is commonly known or sold as gasoline or has a flash point below 100° Fahrenheit (closed cup test, ASTM D-56-36);

Any finished petroleum product having an octane rating of 85 or more (ASTM D-42T) or any component thereof used for the propulsion of aircraft. Any quantity of such a product which is used for a purpose other than the propulsion of aircraft shall be deemed to be gasoline when the product so used is commonly known or sold as gasoline or has a flash point below 100° Fahrenheit (closed cup test, ASTM D-56-36), and

Liquefied petroleum gases, regardless of use.

(15) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(16) "Inventory coupon" means a one-gallon or one-hundred-gallon coupon issued by a Board to represent unfilled storage capacity of a dealer, or for such other purpose as may be provided in this Order.

(17) "Issuing agent" means any person or organization other than a Board authorized by the Director to issue gas tickets and other rations under such conditions as he may consider appropriate.

(18) "Issuing Board" means the Board which issued a particular gasoline ration.

(19) "Motorcycle" means any rubber tired motor vehicle designed for highway operation on three wheels or less having a manufacturer's rated horsepower of five (5) or more.

(20) "Motorcycle tire" means any tire designed primarily for use on a motorcycle.

(21) "Motor scooter" means any rubber tired motor vehicle designed for highway operation on three wheels or less having a manufacturer's rated horsepower of less than five (5). However, unless the context expressly provides otherwise, the word "motorcycle" shall include "motor scooters".

(22) "Motor vehicle" means any self-propelled conveyance the motive power for which is furnished by an internal combustion engine designed for operation by gasoline and which is built pri-

marily for the purpose of transporting persons or property.

(23) "Motor vehicle dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(24) "Motor vehicle rental agency" means any person engaged in the business of renting or leasing motor vehicles to others.

(25) "Mounted" as applied to a tire means that such tire is held for use on a motor vehicle or equipment, whether or not physically mounted, but not in excess of one tire for each wheel and one spare for each motor vehicle.

(26) "Non-highway use" means any use of gasoline other than for the propulsion of a registered motor vehicle, a commercial motor vehicle or for the operation of machinery or equipment mounted on a commercial motor vehicle.

(27) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

(28) "Occupational mileage" means mileage driven by a person in carrying on an occupation or to and from a place where such occupation is carried on.

(29) "Official" as applied to a passenger automobile or motorcycle means that such automobile or motorcycle is owned or leased by a federal, territorial, local or foreign government or government agency, other than by the armed forces of the United States.

(30) "Organized transportation plan" means a plan organized and administered by a joint management-labor committee, or some similar group or individual designated by agreement between or with the consent of management and labor for the purpose of transporting, with a minimum use of tires, all workers who require automobiles for transportation to and from their work.

(31) "Passenger automobile" means any motor vehicle built primarily for transporting persons on the highways which is not a commercial motor vehicle or a motorcycle; and any "all purpose family vehicle".

(32) "Passenger-type tire" means any tire designed primarily for use on a passenger automobile.

(33) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(34) "Ration" as the context requires means either a right to acquire and use gasoline which is evidenced by coupons or certificates issued by a Board on the basis of an application, or the amount of gasoline acquired in exchange for such coupons or certificates.

(35) "Ration book" means any gasoline coupon book issued pursuant to Revised Ration Order No. 5F.

(36) "Registered" as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or the Territory.

(37) "Scrap" as applied to a tire, means a tire which is incapable of being repaired for use.

(38) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire and the brand name or, if there is no number, the brand name alone.

(39) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

(40) "Transfer", as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(41) "Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

ARTICLE III—ADMINISTRATION, PERSONNEL AND JURISDICTION

SEC. 3.1 *Personnel.* (a) Revised Ration Order No. 5F shall be administered by the Office of Price Administration through its Boards and other administrative personnel as it may select. The persons appointed to administer this order shall have the powers and duties set out herein, and as the Office of Price Administration may from time to time delegate.

(b) The persons referred to in paragraph (a) may be assisted in the issuance of rations by persons appointed to act as registrars and issuing agents.

SEC. 3.2 *Jurisdiction of Boards over issuance of rations.* (a) For purposes of Revised Ration Order No. 5F, a Board, other than a plant area board or a commercial board, shall have jurisdiction over:

(1) The issuance of rations for all motor vehicles normally stationed or garaged in the area which the Board is designated to serve. Rations for fleet or official passenger automobiles may, at the option of the applicant, be issued by the Board having jurisdiction of the area in which an office is maintained for directing the operations of the vehicles.

(2) The issuance of non-highway rations for all uses performed in the Board's area.

(b) A plant area Board shall have jurisdiction over the issuance of rations for the vehicles of workers employed in the establishment which the Board serves.

(c) A commercial Board shall have jurisdiction over the issuance of rations for operators of fleets of commercial motor vehicles in the county or island which it has been designated to serve.

(d) A Board may not issue a ration for a vehicle to an applicant who has already received a ration for the same vehicle from another Board, unless he has changed his residence or employment and has thereby left the area or the plant served by the Board which issued him a ration. No person may receive or use a ration issued by a Board which does not have jurisdiction over its issuance.

(e) The Director may use issuing agents for granting temporary or emergency rations and for the first issuance of all rations under this order. Rations granted by an issuing agent may be reviewed, revoked in whole or in part, or increased by the Board having jurisdiction over the vehicle.

ARTICLE IV—BASIC RATIONS

SEC. 4.1 *Basic rations.* A basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle, except that no basic ration shall be issued for use with any motor vehicle which is:

(a) Owned or leased by a Federal, Territorial, local or foreign government or government agency.

(b) Part of a fleet of passenger automobiles or motorcycles.

(c) Held by a motor vehicle dealer for sale or resale.

(d) A vehicle available for public rental.

SEC. 4.2 *Basic Ration Books.* Class "A" books and Class "D" books marked "Basic," shall be issued as basic rations. Class "A" books are issued for passenger automobiles and Class "D" books for motorcycles and motorscooters. Subject to the provisions of 4.3 (d), which relates to the tailoring of coupons from books issued after the beginning of the ration period, each book issued for use after the dates specified in Table I below shall originally contain 30 coupons in the case of "A" books. Each coupon in a basic ration book shall have a value of one unit. Coupons in Class "A" books shall be valid for the transfer of gasoline to a consumer only during the periods indicated in Table II below. Coupons in basic "D" books shall be valid for the transfer of gasoline to a consumer for the period designated on the cover of the book.

REISSUE DATE FOR BASIC RATIONS CONTAINING 30 COUPONS

TABLE I	
Island—	Date
Kauai.....	March 1, 1945
Maul.....	April 1, 1945
Oahu.....	June 1, 1945
Hawaii.....	August 1, 1945
Molokai.....	December 1, 1945

VALIDITY PERIODS FOR CLASS A COUPONS

TABLE II

Island	Month and year															
	Mar. 1945	Apr. 1945	May 1945	June 1945	July 1945	Aug. 1945	Sept. 1945	Oct. 1945	Nov. 1945	Dec. 1945	Jan. 1946	Feb. 1946	Mar. 1946	Apr. 1946	May 1946	June 1946
Kauai.....	13	13	13	14	14	14	15	15	15	16	16	16	17	17	17	18
Mauai.....	12	13	13	13	14	14	14	15	15	15	16	16	16	17	17	18
Oahu.....	11	12	12	13	13	13	14	14	14	15	15	15	16	16	17	18
Hawaii.....	10	11	11	12	12	13	13	13	14	14	14	15	15	16	16	17
Molokai.....	8	9	9	10	10	11	11	12	12	13	13	13	14	14	15	16

SEC. 4.3 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on OPA Form R-534. The period of time during which basic rations may be issued by issuing agents may be extended by the Office of Price Administration, its Boards or such other administrative personnel as it may select. Thereafter, applications shall be made to a Board. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) The application must be personally signed by the registered owner of the vehicle for which the ration is sought. If he is physically unable to sign, or is outside the Board's jurisdiction, the Board may accept an application signed by his authorized agent.

(c) Each applicant for a basic ration shall state on his application the speedometer reading of his vehicle as of the date of application.

(d) A Board or an issuing agent shall remove from any class "A" book which it issues on Form OPA R-525B, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the valid period during which the book is issued. A Board or issuing agent shall remove from any class "A" book which it issues on Form OPA R-525C, all expired and one currently valid coupon for each full 16 days which have elapsed in the valid period during which the book is issued.

ARTICLE V—SUPPLEMENTAL RATIONS

SEC. 5.1 *Supplemental rations.* (a) The following coupon books may be issued by a Board as supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in section 5.2), to provide for occupational mileage driven in such vehicle by anyone:

(1) Class B or Class C coupon books for use with passenger automobiles.

(2) Class D coupon books marked "supplemental" for use with motorcycles.

(b) When issued as a supplemental ration, Class B, C and D Books shall contain the number of coupons specified in the tables set forth in section 5.5, necessary to provide the mileage allowed by the Board.

SEC. 5.2 *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* Supplemental rations may not be issued for use with a passenger automobile or motorcycle for which no basic ration has been issued.

SEC. 5.3 *Application for supplemental rations.* (a) Application for a supplemental ration may be made on OPA Form R-535. The application must be signed by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. An individual's application may not be signed by an agent. A separate application must be made for each vehicle.

(b) An applicant shall establish the average monthly occupational mileage driven within the Territory and required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) When two or more passenger automobiles are owned by relatives living in the same household, all applications for supplemental rations for the vehicles shall be submitted at the same time. When two or more vehicles are used in a ride-sharing arrangement, separate applications shall be made for each vehicle. Each application shall include only the mileage driven in that vehicle and, if the vehicles are all in one Board's jurisdiction, they must all be submitted to it at the same time. If the vehicles are within the jurisdiction of different Boards, each application must be accompanied by duplicate copies of the applications of the other vehicles used in the ride-sharing arrangement.

SEC. 5.4 *Allowance of mileage.* (a) Occupational mileage shall be allowed by a Board for an allowed occupational purpose if the applicant establishes, either:

(1) That a bona fide ride-sharing arrangement has been made by which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from, or carrying on their occupations and that transportation is needed for such purpose: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made, but that the vehicle carries as many persons as could be expected in the light of the circumstances in which it is used; that

transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or over-crowded conditions, by reason of the physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reason as the Board may find sufficient.

(iii) If the applicant or principal user is employed at a power generation or transmission facility, public utility, transportation or communication facility, or agricultural, construction, industrial, military or naval establishment at which more than 100 persons are employed, an application for a ration to be used for transporting the applicant to and from such place of employment must be certified to by an official in charge of an organized transportation plan at such establishment. The Office of Price Administration may postpone the requirements of this paragraph until such establishments have had an opportunity to set up their organized transportation committees.

(iv) An application for a supplemental ration for a vehicle used in connection with a non-gainful occupation must be certified to by a responsible official of the organization, for which the work is being performed.

(b) Upon the basis of the application and other facts that the Board may require, the Board shall allow mileage for any of the allowed occupational purposes with respect to which the applicant has established the facts required by paragraph (a). The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) for which the applicant has established the inadequacy of alternative means of transportation. The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for a three-months period and shall issue a supplemental ration to provide such mileage. The Board may not allow an average of more than 400 miles per month for any occupational mileage other than for "preferred mileage" as defined in section 5.6 or for additional mileage allowed under section 5.7.

(c) A Board having jurisdiction over an area which has been determined by the Director to be adequately served by public transportation, shall allow mileage claimed with respect to which a ride-

sharing arrangement has been made, only if the applicant establishes that the available public transportation would not be reasonably adequate for the purpose for which the mileage is claimed.

Sec. 5.5 Issuance of supplemental rations. (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with section 5.4 or 5.7.

(1) For a passenger automobile:

(i) For mileage of 400 miles per month or less; a Class B book bearing earliest renewal dates three months from the date of issuance and containing the number of coupons specified in Table I for the mileage allowed.

(ii) For mileage exceeding 400 miles per month; one or more Class C books bearing earliest renewal dates three months from the date of issuance and containing the number of coupons specified in Table II for the mileage allowed.

(2) For a motorcycle: One or more Class D books marked "Supplemental," bearing expiration dates three months from the date of issuance and containing the number of coupons specified in Tables 1 or 2 to provide the mileage allowed by the Board.

(b) The Board shall remove and cancel all coupons in Class B, C and D books in excess of the number to be issued.

(c) For the purposes of paragraph (a), a passenger automobile is presumed to operate 15 miles, a motorcycle 40 miles, and a motor scooter 60 miles per gallon of gasoline.

TABLE I—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION
[For passenger automobiles with an allowed mileage of 400 miles or less]

PASSENGER AUTOMOBILES	
Miles per month:	"B" coupons for 3 months
1-20.....	1
21-40.....	2
41-60.....	3
61-80.....	4
81-100.....	5
101-120.....	6
121-140.....	7
141-160.....	8
161-180.....	9
181-200.....	10
201-220.....	11
221-240.....	12
241-260.....	13
261-280.....	14
281-300.....	15
301-320.....	16
321-340.....	17
341-360.....	18
361-380.....	19
381-400.....	20

MOTORCYCLES	
Allowed mileage:	Number of coupons to be issued in official or Fleet Class "D" book
0-13.....	1
14-27.....	2
28-40.....	3
41-53.....	4
54-67.....	5
68-80.....	6
81-93.....	7
94-107.....	8
108-120.....	9
121-133.....	10
134-147.....	11
148-160.....	12
161-173.....	13

TABLE I—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION—Con.

MOTORCYCLES—continued	
Allowed mileage—Con.	Number of coupons to be issued in official or Fleet Class "D" book
174-187.....	14
188-200.....	15
201-213.....	16
214-227.....	17
228-240.....	18
241-253.....	19
254-267.....	20
268-280.....	21
281-293.....	22
294-306.....	23
307-320.....	24
321-333.....	25
334-346.....	26
347-360.....	27
361-373.....	28
374-386.....	29
387-400.....	30

TABLE II—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION

[For passenger automobiles with an allowed mileage of more than 400 miles per month]

PASSENGER AUTOMOBILES	
Allowed mileage:	"C" coupons for 3 months
401-420.....	21
421-440.....	22
441-460.....	23
461-480.....	24
481-500.....	25
501-520.....	26
521-540.....	27
541-560.....	28
561-580.....	29
581-600.....	30
601-620.....	31
621-640.....	32
641-660.....	33
661-680.....	34
681-700.....	35
701-720.....	36
721-740.....	37
741-760.....	38
761-780.....	39
781-800.....	40
801-820.....	41
821-840.....	42
841-860.....	43
861-880.....	44
881-900.....	45
901-920.....	46

NOTE: In the event allowed mileage exceeds 920 miles for a passenger automobile, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 920 miles.

MOTORCYCLES	
Allowed mileage:	Number of coupons (Supplementary Class "D" books)
401-413.....	31
414-427.....	32
428-440.....	33
441-453.....	34
454-466.....	35
467-480.....	36
481-493.....	37
494-506.....	38
507-520.....	39
521-533.....	40
534-546.....	41
547-560.....	42
561-573.....	43
574-586.....	44
587-600.....	45
601-613.....	46
614-626.....	47
627-640.....	48

NOTE: In the event allowed mileage exceeds 640 miles for motorcycles, one additional coupon shall be issued for each 13 miles, or

fraction thereof, of allowed mileage in excess of 640 miles. Additional books may be issued if necessary to provide additional coupons.

Sec. 5.6 Preferred mileage. Mileage driven in a passenger automobile or motorcycle and necessary for carrying out one or more of the following purposes is "preferred mileage:"

(a) By a duly elected or appointed agent, officer, representative or employee of a Federal, Territorial, local or foreign government or government agency, for performing the official business or carrying out an official function of such government or agency; or by a duly authorized official, employee, agent or representative performing the official business of the American Red Cross or its Hawaiian Chapter, either in a passenger automobile or motorcycle which it owns or leases, or in one not so owned or leased if compensation is paid by the American Red Cross or its Hawaiian Chapter for the performance of such business and for use of such passenger automobile or motorcycle; or by a member of a volunteer military or civilian defense force for carrying out his official duties with such force: *Provided, That:*

(1) No Board (unless otherwise instructed by the Office of Price Administration) shall allow preferred mileage to any agent, representative or employee of a Federal, Territorial, local or foreign government or government agency for carrying on the official business of such government or government agency (other than mileage to be driven in an official or fleet vehicle) unless the application has been certified by an officer of such government or agency who is empowered to authorize or to supervise travel by the applicant.

(2) Daily or periodic travel between home and a fixed place of work shall not (except as provided in subparagraph (3)) be deemed performance of official business or carrying out an official function.

(3) Travel by a member of a War Price and Rationing Board between home and the place at which such Board conducts its business, or travel by a member of a Selective Service Board, an appeal agent or a member of an Appeal Board of the Selective Service System between home and the place at which the business of the Selective Service System is conducted, shall be deemed the performance of official business.

(b) By a school teacher or school official for performance of school duties which require regular travel to more than one recognized educational institution.

(c) By a person for regularly transporting four or more pupils, students, teachers or school employees to or from regular places of study, if alternative means of transportation are not adequate.

(d) For the transportation of mail on behalf of the United States Government.

(e) For necessary driving in maintaining the wholesale distribution system of newspapers or magazines. Driving necessary for the retail delivery of newspapers may be included only to the extent that it can be made without deviating from the wholesale route, and only

if it is incidental to the wholesale delivery. The applicant must present a statement from the circulation manager of the newspaper by which he is employed, setting forth:

(1) The area in which the applicant is engaged in maintaining such distribution system;

(2) The minimum monthly mileage required by the applicant for such purpose; and

(3) The steps that he has taken to reduce the applicant's driving to the lowest possible mileage consistent with the effective wholesale distribution of the newspaper.

(f) For the transportation of non-portable photographic or sound-on-film equipment, for taking pictures for use in newsreels, newspapers or magazines, or for industrial or government use, by a person regularly engaged in such activity.

(g) By a physician for making necessary professional calls or for travel between offices maintained by him.

(h) By a farm veterinary for rendering professional services.

(i) By a public health nurse employed by or serving under the direction of a clinic or hospital, governmental agency industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls.

(j) By a practicing minister of any religious faith who is serving a congregation, to enable him to meet the religious needs of his congregation, but not to go from home to place of worship; by a practicing minister serving more than one congregation to enable him to travel to the churches he serves; by a practitioner for rendering services to members of an organized religious faith, but not for travel from home to place of worship.

(k) By a farmer for transportation of farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm.

(l) By the following persons for these purposes:

(1) An employer or employer's organization for the transportation of farm workers to, from or between their places of employment; or

(2) An engineer or technician for transportation between home and a radio broadcasting transmission station, or other permanent facilities for radio broadcasting; or

(3) An engineer or technician for the transportation of non-portable equipment to and from temporary installations for radio broadcasting, if no alternative means of transportation are adequate.

(m) By a worker, including executives, technicians or office workers (but excluding a member of the armed forces or a person engaged in promotional, merchandising or sales activities) for necessary travel to and from the establishments listed below:

(1) Naval, military or hospital establishments;

(2) Establishments of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in

the production or distribution of light, power, electricity, gas or water; or of irrigation, drainage, flood control, or sanitation systems; or of telephone, telegraph, radio-telegraph or radio-telephone (but not radio broadcasting) systems;

(3) Industrial and agricultural establishments which are essential to the war effort;

(n) By an authorized agent of government, management or labor for travel necessary to recruit or train workers listed in paragraphs (l) or (m) of this section, or for travel to and from the establishments or facilities listed in paragraph (m) in order to maintain peaceful industrial relations.

(o) By an engineer, architect, technician, construction worker, repair or maintenance man who requires the use of a passenger automobile or motorcycle for performing, or for transporting materials or equipment necessary to perform construction work; or by any of the above persons to travel from one place to another (but not from home to a fixed place of work) for performing or for transporting materials or equipment necessary to perform any of the following services: installation, maintenance or repair services or the extermination of vermin; or by a person who requires the use of a passenger automobile or motorcycle to travel from place to place (but not from home to a fixed place of work) for performing highly skilled services necessary to the operation or functioning of the establishments or facilities described in paragraph (m). Preferred mileage may not be allowed to any person while engaged in promotional, merchandising or sales activities or retail or wholesale delivery, or to any person for the repair, maintenance, installation or construction of decorations or decorative equipment, or of novelty, amusement or entertainment devices (other than non-portable motion picture equipment) or of portable household equipment or furniture, or for landscaping.

(p) By members of the armed forces of the United States for necessary transportation between home and post of duty, or on official business where no military vehicle is available. The applicant must present a statement from his Commanding Officer which sets forth the following:

(1) The mileage sought is for necessary transportation between home and post of duty; or on official business;

(2) No adequate quarters can be provided for the applicant at his permanent post of duty or that the applicant's duties require frequent travel on official business;

(3) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and

(4) The Commanding Officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible.

(q) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams

by a person regularly engaged in that business.

(r) By a full-time social worker employed by a bona fide non-profit agency for necessary travel in carrying out the work of the agency (but not from home to a fixed place of work). The applicant must present a statement from a responsible official of the agency which sets forth:

(1) That the mileage sought is for travel necessary to the proper functioning of the agency;

(2) That the agency is either licensed by the appropriate governmental authority, or is endorsed by the local Community Chest.

(s) By a full time reporter employed by a press association or newspaper, for necessary travel in gathering news on regular assignments.

(t) By theater managers for the purpose of taking employees home after work, provided that such transportation must be furnished in order to secure or retain sufficient labor for the operation of the theater.

(u) By managers of restaurants and hotel dining rooms, for the purpose of securing sufficient produce and supplies for the operation of such restaurants and hotel dining rooms.

(v) By officials and paid employees of the United Service Organizations, Inc. for necessary travel to supervise the activities of that agency.

(w) By owners of retail grocery stores for the purpose of securing produce and supplies for sale at such stores, providing they can qualify under the following conditions:

(1) That they do not have access to a centralized purchasing and distribution service which is operated for the purpose of purchasing and delivering produce and supplies; and

(2) That delivery by wholesalers is not available or is inadequate.

SEC. 5.7 Additional mileage allowance.

(a) In any case where an applicant is not eligible for "Preferred mileage" for driving between home and a fixed place or places of work, and more mileage is required for such driving than 400 miles per month, the Board, upon approval of the Director, may allow additional mileage in excess of such maximum to the extent required for such driving. No mileage may be allowed in such case for driving in the course of work, unless the driving consists of "Preferred mileage."

(b) An applicant for additional mileage under this section must establish by clear and convincing proof that:

(1) Such driving is between home and a fixed place or places of work in connection with his principal occupation or that of the person entitled to the use of the vehicle;

(2) A bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement is practical but that the vehicle carries as many persons as could reasonably be expected under the circumstances, and

(3) There are no adequate alternative means of transportation.

(c) If the applicant meets the requirements of this section, the Board may issue a ration which includes the additional mileage claimed by the applicant.

ARTICLE VI—OFFICIAL AND FLEET RATIONS FOR PASSENGER AUTOMOBILES AND MOTORCYCLES

SEC. 6.1 Official and fleet rations for passenger automobiles and motorcycles.

(a) The following coupon books and coupons, for use with registered passenger automobiles and registered motorcycles which are owned or leased by a Federal, Territorial, local or foreign government or government agency (other than by the armed forces of the United States) or which are part of a fleet shall be issued by a Board as rations to persons entitled to receive them under the provisions of section 6.2 to the extent that such mileage is allowed in accordance with section 6.4:

(1) Class B or Class C coupon books for use with passenger automobiles;

(2) Class D coupon books marked "official" or "fleet" for use with motorcycles;

(3) Bulk coupons issued pursuant to section 10.7 (a);

(4) A gasoline certificate issued pursuant to section 10.7 (b).

(b) When issued as an official or fleet ration Class B, C, or D books shall contain the number of coupons specified in the tables set forth in section 5.5 necessary to provide the mileage allowed by the Board.

SEC. 6.2 Persons entitled to official or fleet rations. (a) The owner or the person entitled to the use of an official motor vehicle may obtain an "official" ration and the owner or the person entitled to the use of a passenger automobile or motorcycle which is part of a fleet may obtain a "fleet" ration providing for occupational mileage to the extent allowed by a Board.

(b) Official or fleet rations shall not be issued for a passenger automobile or motorcycle held for sale by a motor vehicle dealer. Fleet rations shall not be issued for use with a passenger automobile available for public rental for seven consecutive days or less.

SEC. 6.3 Application for official and fleet rations. (a) Applications for official and fleet rations shall be made to a Board on OPA Form R-551. An application may cover one or more vehicles and may be signed by an agent. An applicant shall establish the average monthly occupational mileage within the Territory required for each vehicle covered in the application, or required for each of a group of vehicles used interchangeably for carrying on the same or related occupations during the three-month period for which the ration is required.

(b) Each applicant for a fleet ration shall state:

(1) The serial numbers of all tires mounted (including one spare) on the vehicle for which application is made;

(2) The number and serial numbers of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle, in excess of those mounted on motor vehicles or equipment (including one spare per motor vehicle) which are capable of being used.

(i) The applicant should not list tires which he holds for resale or as a scrap dealer for the purpose of reclaiming or otherwise processing them.

(c) No fleet ration shall be issued to an applicant unless he agrees in writing to sell his excess passenger-type tires to any agency of the government, to any tire dealer, or to any other person whenever requested to do so by the Office of Price Administration. He shall be required to sell, however, only if the purchaser offers to pay him the maximum price for the tire as established in price schedules of the Office of Price Administration.

SEC. 6.4 Allowance of mileage. (a) No occupational mileage shall be allowed by a Board unless the applicant establishes either:

(1) That transportation is needed for such occupational purposes, and that no alternative means of transportation are available which would be reasonably adequate within the meaning of section 5.4; or

(2) That a bona fide ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles for such purposes, pursuant to which at least four persons (including the driver) will regularly be carried in the vehicle in connection with their occupations, and that transportation is required for such purposes. The names and addresses of all persons (other than the drivers of the vehicles) who are participating in the ride-sharing arrangement shall be set forth on separate sheets and attached to the application.

(b) Subject to the provisions of paragraph (a), the Board shall allow the total average occupational mileage per month determined by it to be required for driving during the three-month period beginning with the date on which the ration is required, and shall issue a ration in accordance with the provisions of section 5.5, to provide such mileage. No Board may allow an average of more than 400 miles per month for any vehicle nor any average of more than 400 miles per month per vehicle for any group of vehicles for any occupational mileage other than "preferred" mileage.

SEC. 6.5 Issuance of fleet and official rations. (a) Official and fleet rations shall be issued to provide the total mileage allowed by the Board.

(1) For a passenger automobile:

(i) For mileage of 400 miles per month or less: A Class B book bearing earliest renewal dates three months from the date of issuance and containing the number of coupons specified in Table I of section 5.5 for the mileage allowed.

(ii) For mileage exceeding 400 miles per month: Class C books bearing earliest renewal dates three months from the date of issuance and containing the

number of coupons in Table II for the mileage allowed.

(2) For a motorcycle: Class D books marked "fleet" or "official", bearing earliest renewal dates three months from the date of issuance and containing the number of coupons specified in Tables I or II to provide the mileage allowed by the Board.

(b) The Board shall remove and cancel all coupons in Class B, C, and D books in excess of the number issued.

(c) For the purposes of paragraph (a), a passenger automobile is presumed to operate 15 miles and a motorcycle 40 miles, per gallon of gasoline.

(d) No fleet ration shall be issued by a Board unless the registered owner of the vehicle or vehicles for which such ration is required or his responsible agent has made the certification as to the ownership of excess tires required by section 6.3.

SEC. 6.6 Interchangeable official or fleet ration books. An applicant for an official or a fleet ration may request the Board to note on the ration books issued, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any official or fleet vehicles which are used interchangeably and which bear a clearly discernible official or fleet name, identification or designation. Any book on which such an identification is noted may be used interchangeably for all official or fleet vehicles bearing the same identification.

SEC. 6.7 Issuance of rations to lessees of passenger automobiles or motorcycles available for public rental. (a) The lessee of a passenger automobile or motorcycle available for public rental who has leased the vehicle for more than seven consecutive days may apply for a ration for use with such vehicle, to provide solely for the occupational mileage to be driven during the term of the lease.

(b) The applicant shall establish the average monthly occupational mileage required for the vehicle, or required for each group of such vehicles used interchangeably for carrying on the same or related occupations, during the three-month period beginning with the date on which the ration is required, or during the remaining term of the lease, whichever is less. The application shall be made on OPA Form No. R-551.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for the vehicle in the manner provided in section 6.4. The Board shall note on the cover of the book the name and address of the person to whom the ration is issued, and shall note both on the book and the application the date on which it expires. If the time of the lease remaining from the date of issuance of the ration is less than the valid period of the ration as determined in accordance with the provisions of section 6.5 (a), the Board shall issue a ration containing sufficient coupons for allowed mileage for the remainder of the lease, and shall remove all excess coupons from the ration book issued. In such case the expiration date of the

ration shall be the date on which the lease terminates.

SEC. 6.8 Rations for official mileage of policemen. (a) Notwithstanding any other provisions of this order, any County Police Department which maintains its own gasoline storage facilities and which permitted its policemen (both regular or reserve) to draw gasoline from such facilities for their own passenger automobiles or motorcycles for official mileage prior to July 1, 1943, may include in its application for an official ration all mileage driven in the course of its business, if it meets these requirements:

(1) The Police Department shall substantiate the claimed official travel of its policemen by odometer readings taken at the beginning and end of each daily period of driving in the course of official business. Driving from home to official station shall not be considered as official travel.

(2) The Police Department shall keep records showing the number of miles driven by each policeman monthly and the number of gallons he received from its storage facilities. These records shall be available for inspection by personnel of the Office of Price Administration at any time.

(b) A County Police Department which meets the requirements of paragraph (a) may continue to transfer gasoline from its storage tanks to policemen's automobiles for official mileage.

(c) Policemen who use their own passenger automobiles or motorcycles for driving on official business for a County Police Department which has met the requirements of paragraph (a), shall not include any mileage so driven when making their own applications for supplemental rations.

ARTICLE VIII—TRANSPORT RATIONS

SEC. 7.1 Transport rations. Transport rations shall be issued by a Board to permit the acquisition of gasoline required for the propulsion of registered and unregistered commercial motor vehicles. Transport rations shall be issued for use during fixed three-month periods, the first of which shall begin on the effective date of this order.

SEC. 7.2 Persons entitled to transport rations. The owner or the person entitled to the use of a commercial motor vehicle may obtain a transport ration authorizing the acquisition of the maximum number of gallons of gasoline allowed for the operation of the vehicle for the quarterly period during which the ration is to be used in order that such operations shall be confined to those which are necessary to the war effort or to the maintenance of essential civilian economy, and be so conducted as to assure maximum utilization in such service of the vehicle or vehicles of the applicant: *Provided*, That no taxicab shall be entitled to any ration unless it is licensed for operation as a taxicab by the appropriate agency of the Territorial Government and is regularly available on call from a definitely established call station for the purpose of carrying passengers for hire (including point to point trips).

SEC. 7.3 Transport ration books. (a) Except as provided in paragraphs (b) and (c), Class T-1 and T-2 coupon books shall be issued as transport rations. Coupons in these books shall each have a value of one unit. The coupons in a transport ration book authorize the transfer of gasoline to a consumer only during the periods noted thereon.

(b) Gasoline certificates on OPA Form THR-568 shall be issued as transport rations to commercial accounts.

(c) The Director may authorize Boards to issue other types of coupons or tickets for the first three-month period in which transport rations are issued.

SEC. 7.4 Application for transport rations. Application for a transport ration shall be made on OPA Form THR-13 (Revised). Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either. A single application may be used for all vehicles for which the applicant seeks a transport ration.

SEC. 7.5 Issuance of transport rations. (a) The Board shall issue Class T-1 or T-2 books, gasoline certificates, or when authorized to do so, other types of gasoline coupons or tickets as a temporary transport ration, in sufficient numbers to provide the number of gallons of gasoline allowed.

(b) The Board shall, when issuing T-1 or T-2 books, remove and cancel all coupons in excess of the number required to supply the gallonage allowed, and coupons representing the amount of gasoline which may have been issued as a temporary transport ration during the applicable three-month period.

(c) The applicant may be issued bulk coupons at his request, for all or part of the gallonage allowed him if he can meet the requirements of section 10.7 (Authorization for bulk purchase).

SEC. 7.6 Transportation for equipment mounted on commercial motor vehicles. An applicant for a ration for use with a commercial motor vehicle upon which machinery or equipment is permanently attached which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the motor vehicle may set forth in his application for a transport ration the amount of gasoline needed for the operation of the machinery or equipment during the same period. The Board shall include in the transport ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate the machinery or equipment during such period.

SEC. 7.7 Interchangeable transport ration books. An applicant for a transport ration for use with fleet vehicles may request the Board to note on the books issued, a name or other identifying mark in lieu of the registration number of a particular vehicle. The Board may grant the request for all vehicles which are used interchangeably if the name or other identifying mark is clearly discernible on each of the vehicles. Any book on which a fleet identification is noted may be used interchangeably for all vehicles in the fleet bearing the same identification.

ARTICLE VIII—SPECIAL RATIONS

SEC. 8.1 Application for special ration. (a) The owner or person entitled to the use of a motor vehicle or motorboat who needs transportation for one of the purposes specified in paragraphs (b) or (c), and whose rations issued for such vehicle or boat are not already sufficient for that purpose, may apply for a special ration. An application on behalf of an individual may not be signed by an agent. A special ration may be issued for any period up to six months from the date of application.

(b) Special rations for use with a passenger automobile or motorcycle may be issued for one or more of the following purposes:

(1) To obtain necessary medical attention or therapeutic treatment or to procure necessary food or supplies;

(2) To transport a person who is called or is serving as a juror, between his home and the place where he is required to be present for jury service;

(3) To carry persons to and from the polls for the purpose of voting at elections; to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes necessary to the prosecution of his candidacy;

(4) To carry a person delivering telephone directories. The applicant must present a statement from the telephone company or from the delivery contractor if one is employed, setting forth:

(i) That there is no practicable means of delivery except by use of passenger automobiles or motorcycles;

(ii) The minimum mileage necessary to be driven by the applicant for making such delivery.

(c) Special rations for use with any motor vehicle or motorboat may be issued for one or more of the following purposes:

(1) To operate a vehicle or boat held by a dealer, for demonstrating it to prospective purchasers. The maximum ration that may be granted for this purpose is five gallons per month for each vehicle or boat.

(2) To move a vehicle or boat to a place of storage on repossession, or on seizure by a government authority;

(3) To deliver a vehicle or boat after a bona fide sale or pursuant to a bona fide lease of three months or longer;

(4) To move a vehicle or boat between sales establishments or places of storage. The maximum ration that may be granted for this purpose is five gallons per month for each vehicle or boat.

(5) For any other purposes certified by the Director to be essential to the war effort or the public welfare.

(d) Applications shall be made on OPA Form R-552 and the application shall state, in addition to such other information as may be required:

(1) The purpose for which a special ration is sought and the period (not exceeding six months) during which the ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) If application is made pursuant to paragraph (b) (1), the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose;

(5) The number of miles of driving or, in the case of a boat, the amount of gasoline claimed to be essential to the accomplishment of the purposes stated, during the period for which the special ration is needed.

SEC. 8.2 Form and issuance of special rations. If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose stated, from the date of its decision to the end of the period (not exceeding six months) for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "special" any book which is so issued. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

SEC. 8.3 Special rations for furlough travel. (a) A member of the armed forces or the merchant marine of any of the United Nations, having duly authorized shore leave, pass, or furlough for a period of two (2) days or more, as evidenced by official pass, leave, furlough, authorization or other documentary evidence as may be satisfactory to the Board, may apply for a special ration for furlough travel. Application shall be made on Form OPA TH-R 19 to the Board having jurisdiction over the area in which the car in which the ration will be used is normally stationed or garaged, and shall state:

(1) The purpose for which the ration is needed; (2) The reasons why public transportation is not adequate; (3) The number of miles of driving claimed to be needed for the accomplishment of the purpose; (4) The license number of the vehicle in which the ration is to be used, and the name of the registered owner of such vehicle.

(b) Upon receipt of proper application accompanied by satisfactory evidence that the applicant is entitled to the special ration the Board may grant a special ration of one gallon units subject to the following provisions:

(1) The maximum ration shall not exceed 30 gallons;

(2) The ration shall not exceed five gallons for any single pass, leave, or furlough where the applicant is stationed in the Territory or has been transferred to the Territory;

(3) A ration of one gallon per day may be issued to an applicant who has returned from a combat zone and is a resident of the Territory.

(c) At the time of issuance of the ration, the Board shall endorse upon the pass, leave, furlough authorization, or similar document, the date, the Board designation, and the number of gallons for which a ration is issued. The application, with proper notation thereon, shall constitute the Board's record of the issuance, and shall be retained in the Board's file.

ARTICLE IX—NON-HIGHWAY RATIONS

SEC. 9.1 Persons entitled to non-highway rations. Any person who requires gasoline for a non-highway purpose may obtain a ration for the amount of gasoline needed for such purpose, except as provided in section 9.4. Non-highway rations shall be issued for any period up to six months from the date of application.

SEC. 9.2 Non-highway ration books. Class E and Class R coupon books shall be issued as non-highway rations. The coupons in these books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the period noted on such books by the Board.

SEC. 9.3 Application for non-highway rations. Application for a non-highway ration shall be made on OPA Form R-537, except that an operator of commercial motor vehicles shall apply for all his non-highway (except marine) requirements on OPA Form THR-13 (Revised), and applications for gasoline for household purposes shall be made on OPA Form THR-11. Such applications may be signed by an agent.

SEC. 9.4 Issuance of non-highway rations. (a) The Board shall determine the amount of gasoline required for the three-month period for which application is made and shall issue one or more Class E or Class R books, or any combination of them, containing a sufficient number of coupons to enable the applicant to acquire the amount of gasoline determined to be necessary for such period. The Board shall remove from the book and cancel any coupons in excess of the number allotted.

(b) A Board may refuse to issue a ration for the operation of machinery or equipment (other than boats or airplanes) used for recreational, amusement or commercial purposes, if in its opinion, taking into consideration the gasoline supply available, the use of gasoline for such purpose is not important as to the war effort or to the welfare of the Territory.

(c) If the application is made for a non-highway ration for use with an inboard motorboat or outboard motor operated wholly or in part for a non-occupational purpose, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) For an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but in any event not more than one hundred twenty-five (125) gallons for the three-month period of the ration;

(2) For an outboard motor, the number of gallons equal to two and one-half times the manufacturer's rated horsepower of such motor, but not in excess of twenty (20) gallons for the three-month period of the ration.

The Board shall, in such case, issue a separate book for the non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on the book that it is issued for a non-occupational purpose. Non-occupational uses shall include the use of a motorboat or outboard motor for sightseeing, guiding pleasure parties or conducting or chartering boats for fishing parties other than commercial fishing.

(d) If application is made for a non-highway ration for operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or an inboard motorboat) the board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

ARTICLE X—GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS

SEC. 10.1 Issuance of ration books by the Office of Price Administration. (a) Coupon books of all types designated in this order may be issued by the Director, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of these agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) which requires coupon books for use by its officers, agents or employees, shall make written application therefor to the Director at Honolulu, T. H., and shall state the number and type of books required, and the use for which the books are intended.

SEC. 10.2 Appearance before boards. The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

SEC. 10.3 Presentation of registration certificate. No basic or special ration shall be issued for any motor vehicle unless a registration certificate authorizing the operation of the vehicle during all or part of the period for which the ration is to be issued, is presented to the issuing agent or the Board.

SEC. 10.4 Notation on registration certificates. The person issuing a basic or special ration shall make a clear notation on the back of the motor vehicle registration certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book (if any) issued.

SEC. 10.5 Notation on ration books, applications and coupons. (a) The person issuing any ration book for a registered or a commercial motor vehicle shall, unless an official or a fleet identification is used, note the registration number, if any, of the vehicle for which it is issued, and the name and address of the

owner of the vehicle. The Board shall make a notation on the cover of the book (other than the basic ration) and on the application therefor, of the date on which it becomes valid and of its earliest renewal or expiration date.

(b) At the time of issuance of a non-highway ration book, the Board shall note on the book the name and address of the applicant and the period during which the book will be valid. The valid period shall also be noted on the application.

SEC. 10.6 Change in motor vehicle registration number. (a) The holder of a ration book issued for a registered motor vehicle (other than a ration book bearing an official or a fleet identification) shall, upon any change in the registration number of the vehicle, submit his ration book to a Board for the purpose of having the notation changed to correspond to the new registration number. The book shall be submitted to the Board within five days after the change in the registration number; the registration card showing the new number shall be presented with the book. The Board shall obliterate the registration number appearing on the book and note thereon the new registration number issued for the vehicle. Notation of the new registration card shall also be made as prescribed in section 10.4. The notation shall be countersigned or initialed by the person making the change.

(b) The holder of any book bearing an official or fleet identification shall, upon any change in the name, identification or designation of the vehicles, submit the book to the Board which issued it for appropriate modification. The Board shall change the designation on the book to correspond with the new name, identification or designation of the vehicles.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

SEC. 10.7 Authorization of bulk purchase. (a) Any person who establishes to the satisfaction of the Board that he maintains gasoline storage facilities may request the Board to issue his rations in bulk coupons or partly in bulk coupons and partly in coupon books. He may request the Board to note on any coupon books issued to him that they may be used for bulk transfers.

(b) The Board may issue gasoline certificates to a commercial account to the extent of the gallonage it has allowed.

(c) Before issuing any bulk coupons or gasoline certificates, the Board shall first determine the type, number and expiration dates of the rations to which the applicant is entitled. It shall then issue bulk coupons or gasoline certificates (depending on what the applicant is entitled to) having a gallonage value equal to the value of the coupons to which the applicant is entitled and in lieu of which the evidences for bulk transfer are being issued. Bulk coupons and gasoline certificates shall expire on,

and may not be used for the transfer of gasoline to a consumer, after the date on which the coupon books would expire. Transfers on bulk coupons may be made either by a dealer or a distributor; transfers on a gasoline certificate may be made only by a distributor.

(d) At the time of issuance of any 100 gallon bulk coupons (Form OPA R-553A) the person issuing the coupons or the applicant in the presence of the issuing officer shall write or stamp on the back of each coupon the name and address of the applicant and the date upon which the ration expires.

(e) Any person to whom coupon books authorized for bulk transfer, bulk coupons or a gasoline certificate has been issued shall keep a monthly mileage and gallonage record for each highway motor vehicle and a gallonage record for non-highway vehicles included in an application upon which the issuance of the ration was based. Reports as to the information contained in these records shall be submitted at such periods as the Director or District Manager may require.

SEC. 10.8 Lost or stolen coupon books or bulk coupons. In the event of loss, theft, destruction, or mutilation of any coupon book or bulk coupons or the wrongful withholding of the coupons from the rightful holder, the person entitled to their possession shall make application for the replacement of the book or coupons pursuant to the provisions of Procedural Regulation No. 12.¹ Where application is made for replacement of a coupon book or bulk coupons which have been lost or stolen, the Board shall waive all waiting periods provided for in paragraphs (a) and (b) of § 1300.954 of Procedural Regulation No. 12 where such requirement will result in extreme hardship upon the individual, impede essential transportation or is contrary to the public interest. Where application is made to a Board other than the one which originally issued the coupon book or bulk coupons, an additional copy shall be made to be forwarded to the Board of original issuance.

SEC. 10.9 Disposition of lost coupon books. Any person who finds a coupon book, coupon or other evidence shall surrender it to a Board within five days.

SEC. 10.10 Denial of rations. (a) No person who has refused to surrender a ration card, book, or coupon upon direction of the Board or who has refused, without good cause shown, to appear before a Board for examination, shall be entitled to obtain a ration of any type under this order.

(b) Any Board which has reason to believe that any applicant for a ration has used any other ration issued under this order or any ration order relating to gasoline which has been issued in the Territory, for a purpose other than the one for which the ration was obtained, or who has abused or neglected his tires or made a false statement in connection with an application required under this order, may refuse to issue a ration or to renew one for any such applicant and may declare that he shall not be eligible

to receive a ration for such period as it shall deem appropriate in the public interest. If the Board refuses to issue or renew a ration it shall serve upon such person a written statement of the ground upon which the ration was denied, and shall state the effective period of the denial.

SEC. 10.11 Consumer declaration of gasoline on hand. A Board may require any applicant for a supplemental, fleet, official, transport or nonhighway ration to set forth on his application the amount of gasoline held by him other than gasoline in the fuel supply tank of a motor vehicle, motor boat or equipment. The Board may deduct the amount so held when issuing a ration.

SEC. 10.12 Duration of rations. A Board may, notwithstanding any other provision of this order, issue a ration for a shorter period than is authorized and shall adjust the ration accordingly.

SEC. 10.13 Presentation of receipt for former rations after change of ownership of vehicle. No basic, official or transport ration shall be issued for any motor vehicle which has changed ownership after December 1, 1943 unless the applicant submits to the Board, with his application for such ration, the duplicate copy of a receipt on Form OPA R-569 obtained pursuant to the provisions of section 11.6. Any ration which has been issued after a change of ownership of a vehicle may be renewed without presentation of such receipt.

ARTICLE XI—RENEWAL, EXPIRATION AND REDETERMINATION OF RATIONS

SEC. 11.1 Renewal of rations. (a) Any time within thirty days prior to the earliest renewal or expiration date of any ration; or at any time thereafter, application may be made for a renewal of a ration. It shall be made in the same manner as the original application, except as provided in paragraph (b).

(b) Application for renewal of a supplemental ration for a passenger automobile or motorcycle may be made by executing OPA Form R-543. The applicant shall show any changes in the nature or amount of his use since the date of his original application. If the applicant or principal user is employed at an establishment or facility described in section 5.4 (a) (2) (iii) such form must be certified as indicated thereon by an official in charge of an organized transportation plan at the place of employment. If the Board is satisfied that there have been no substantial changes in the applicant's gasoline needs, or in the nature, conditions and use of the motor vehicle for which the original ration was issued, it may issue a renewal without requiring execution by the applicant of a new original application.

(c) Except as provided in section 11.2 and 11.3 no ration of any class may be renewed for use prior to (or may be used prior to) the earliest renewal or expiration date of the current ration of the same class.

SEC. 11.2 Issuance of further rations for use prior to the earliest renewal or expiration of current rations. (a) Any person who finds that a ration of any

¹ 8 F.R. 3171, 6543, 11688, 14737, 15461; 9 F.R. 6108, 12537, 14536.

class (other than a basic ration) issued to him, fails to meet his requirements for one of the following reasons, may apply for a further ration:

(1) There has been a change in his circumstances, such as a change in his occupation or in the location of his place of work or residence;

(2) There is a seasonal variation in the amount of occupational mileage needed;

(3) The applicant miscalculated his needs when making his original application for the ration; or

(4) There has been a reduction in the unit value of a ration that he holds.

(b) The application shall be made in the same manner as the one for the current ration. The applicant shall append to his application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty days from the date of the application;

(2) The reason why a further ration will be needed for use prior to the earliest renewal or expiration date of the current ration.

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a) more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may issue a new and further ration upon receiving the surrender of the former ration.

(d) No further supplemental, official or fleet ration or non-highway ration shall be granted, which would permit the applicant to exceed the maximum mileage or gallonage to which he would otherwise be entitled.

SEC. 11.3 Special cases. (a) Any person who is eligible for preferred mileage under section 5.6 and has been issued a supplemental ration based on an allowed mileage of 400 miles or less per month and any person who has been issued a supplemental ration based on an allowed mileage in excess of 400 miles per month may apply for a further ration for use prior to the earliest renewal of his current ration if he finds that his vehicle cannot be operated for fifteen miles (or in the case of a motorcycle, for forty miles) on a gallon of gasoline.

(b) The applicant shall append to his application a statement showing:

(1) That his current ration is insufficient to meet his needs for more than thirty days from the date of the application;

(2) The nature of the use of the vehicle for which the further ration is sought and the driving conditions under which the vehicle is operated;

(3) The reason why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle for which the application is made is in sound mechanical condition and is being operated in such manner as to secure a maximum economy of gasoline.

(5) The Board may require the applicant to submit a statement from an auto

mechanic as to the greatest efficiency which the engine is capable of.

(c) The Board may, upon receiving the surrender of the former ration, issue a new and further ration.

SEC. 11.4 Surrender of expired coupons. (a) No ration may be used and no coupon book or certificate shall be valid for the transfer of gasoline to a consumer after its expiration.

(b) The person to whom a ration has been issued shall, within five days after the expiration of the ration, surrender all unused coupons to the issuing Board.

SEC. 11.5 Expiration of rations. (a) All Class A and basic Class D coupons expire at the end of the respective valid periods provided in section 4.2. Other rations expire as noted on the books or applications.

SEC. 11.6 Expiration of rations upon cessation of use or change in ownership.

(a) Upon cessation of use or change of ownership of any vehicle, boat, or equipment, any ration issued for it shall expire and all unused coupons and books must be surrendered to the issuing Board by the person to whom the ration was issued within five days after the cessation or change. The transferee of the vehicle, boat, or equipment may apply for a ration on his own behalf, in accordance with the applicable provisions of this order: *Provided*, That the transferee may not obtain a ration unless a bona fide transfer is involved.

(b) A person who is no longer using a ration for the purpose for which it was obtained shall surrender all unused coupons and books to the issuing Board within five days after his cessation of use.

(c) (1) Upon receiving the surrender, pursuant to section 11.6 (a), of all of the unused coupons and coupon books which represent a ration for use with a motor vehicle transferred to a new owner, and upon having the seller execute OPA Form THP-3 (Rev. 3-44) (in the event a used passenger vehicle is transferred) or OPA Form 694-457 (in the event a used commercial vehicle is transferred) in accordance with the instructions thereon, the Board shall issue a Receipt (OPA Form R-569) in duplicate: *Provided*, That OPA Form 694-457 shall not be required where a used commercial vehicle is transferred to a motor vehicle dealer. When a Board is satisfied that the ration issued to the transferor of the vehicle has been lost, stolen, or accidentally destroyed, or is being wrongfully withheld from the possession of the transferor, or that no currently valid ration has been issued for use with such vehicle, or is satisfied that to refuse to issue a receipt (Form OPA R-569) or to require surrender of such ration would cause undue hardship, the Board shall issue such a receipt in duplicate without a surrender of such coupon or coupon book.

(2) After December 1, 1943 any person who transfers a motor vehicle shall deliver to the transferee within 5 days of the date of the transfer duplicate copies of a receipt duly issued by a Board on Form OPA R-569.

(3) After December 1, 1943, the purchaser of a motor vehicle shall present the original copy of the receipt (OPA Form R-569) to the appropriate registrar of motor vehicles before such vehicle can be registered for use. The duplicate copy of the Receipt (OPA Form R-569), together with OPA Form THP-3 (Rev. 3-44), executed by the buyer in accordance with the instructions thereon, must be filed with the buyer's Board before a gasoline ration can be issued for the vehicle.

(4) Any motor vehicle dealer holding for sale or resale any motor vehicle for which no currently valid ration has been issued other than a special ration pursuant to the provisions of section 8.1 (c) may obtain duplicate copies of a receipt on Form OPA R-569 for each vehicle held by him, by making application to a Board on or before December 10, 1943. After December 1, 1943 any motor vehicle dealer or any purchaser of a motor vehicle for scrap who acquires a motor vehicle shall obtain duplicate copies of a receipt, duly issued by a Board on Form OPA R-569, from the transferor of the vehicle at the time of transfer.

(5) Any person who scraps a motor vehicle on or after December 1, 1943, shall keep on hand for a period of 12 months at the place of business or other establishment where such vehicle was scrapped, duplicate copies of a receipt on Form OPA R-569 for every such vehicle.

SEC. 11.7 Coupon books property of Office of Price Administration. (a) All coupon books, bulk coupons, inventory coupons and other evidences remain the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke or recall any ration and may require the surrender and return of any coupon books, bulk coupons, inventory coupons and other evidences during suspension or pursuant to revocation or cancellation, whenever it deems it to be in the public interest to do so.

(b) In the event that any person to whom a ration has been issued is convicted by a court of competent jurisdiction of driving a motor vehicle at a speed in excess of thirty-five miles per hour, the issuing Board, upon receipt of a certified copy of the judgment of conviction may revoke the ration of such person and order him to surrender to it all his coupons or coupon books.

(c) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application may be revoked by the issuing Board, and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue the ration in lieu of the one revoked.

(d) A Board may revoke all the rations of any person who refuses to sell his excess passenger-type tires in accordance with the agreement he made at the time he first received his rations.

SEC. 11.8 Revocation, suspension and denial of consumer's ration after hear-

ing—(a) *Procedure.* (1) Whenever a person violates any provision of Ration Order 1E or Ration Order 5F, or whenever any other person using a motor vehicle on his behalf or at his direction, or with his consent, violates any provision of Ration Order No. 1E or Ration Order 5F, the Board after hearing may, in its discretion, revoke and suspend his ration or rations, in whole or in part, for such period as it may deem appropriate in the public interest. The Board may designate one or more of its members to perform the function described in this paragraph.

(2) Any order issued pursuant to subparagraph (1) of this paragraph shall be made pursuant to the following procedure:

(i) Notice of the date, time, place and purpose of the hearing and a specification of the violation charged shall be given to the person (hereafter called the respondent) against whom the proceedings are instituted at least three (3) days before the date set for the hearing. If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that a violation of a provision of Ration Order 1E or this Revised Ration Order 5F described in such notice has been committed by the respondent, or by a person using a motor vehicle on his behalf or at his direction or with his consent, the Board may by order revoke and suspend therein, the rations issued to the respondent in whole or in part and direct him to surrender to it the coupons, coupon books or other ration evidences issued to him to the extent required to make such revocation effective, and the Board may by order deny the respondent a ration or rations in whole or in part for such period as the Board may deem appropriate in the public interest.

(ii) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time, not to exceed thirty (30) days from the effective date of such order, good cause to the Board for such failure, the Board may set aside or stay such order and grant the respondent a full hearing on the charges made.

(iii) A copy of the order shall be served promptly on the respondent personally or by mail directed to his last known address, and copies thereof shall be sent to the Territorial Office.

(iv) The Board, in its discretion, shall fix the effective date of such order, except that if the Board fails to fix the effective date, such order shall, if personally served, become effective at the time of such service, and if served by mail, three (3) days after the date of mailing.

(b) *Appeal.* Any person against whom an order of revocation has been issued may, within fifteen (15) days after its effective date, appeal by filing a statement of objections to the order with the Board which issued it. Within three (3) days after the receipt of the statement the Board shall forward it together with a copy of the notice instituting the

proceedings, a copy of the record, if any, and a copy of the Board's order, to the Hearing Commissioner having jurisdiction over the Board's area. Within five (5) days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the Chief Attorney of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of § 1300.169 of Procedural Regulation No. 4² and amendments thereto.

(c) *Procedure after appeal.* Whenever a Board's order of revocation is rescinded or modified, the Board shall take whatever action is necessary to put the decision into effect.

SEC. 11.9 *Effective period of order revoking, suspending or denying a consumer's ration.* Except as provided in § 1300.169 (c) of Procedural Regulation No. 4, no person whose ration has been denied for a specified period, or revoked or suspended by order of a Board or the Hearing Commissioner, shall receive or accept any ration for the period of such denial, revocation, or suspension and no person shall receive or accept any ration for the use of such person.

SEC. 11.10 *Notations on consumer's rations after revocation or denial for a specific period.* Whenever a ration is revoked or suspended in whole or in part or a person has been denied a ration for a specific period and the ration holder has been directed to surrender any coupons or certificates, he shall, if the ration was issued for the operation of a motor vehicle, present its registration certificate to the Board. The Board shall note on the back of the registration certificate the extent of its action.

ARTICLE XII—RESTRICTIONS ON TRANSFERS

SEC. 12.1 *Restriction on transfer to consumers.* Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person other than a dealer or distributor shall transfer gasoline to a consumer, and no consumer shall accept a transfer of gasoline from a person other than a dealer or a distributor, except as may be specifically provided in other sections of this order.

SEC. 12.2 *Transfers to consumers.* Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline only in exchange for valid evidences.

SEC. 12.3 *Transfers to consumers in exchange for coupons.*—(a) *Coupons in books issued for registered and commercial motor vehicles.* Transfers may be made and accepted in exchange for coupons contained in Class A, B, C, D, T-1 or T-2 books, only under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach from it coupons having an aggregate unit value equal to the amount of gasoline transferred. The transferor shall detach an entire coupon even if the transferee is

able to accept only part of the amount of gasoline represented by the unit value of a coupon. No transfer may be made under this paragraph in exchange for a coupon detached prior to the presentation of the book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented and only if the sticker corresponding to the class of book represented is displayed on the right hand side of the vehicle's windshield, except that on presentation of a Class A book, transfer may be made into the fuel tank of a motor vehicle on which a Class B or C sticker is displayed. A bulk transfer may be made in exchange for a coupon in a book only if there is a notation on the book that a bulk transfer is authorized. A bulk transfer of gasoline not in excess of one unit may also be made to enable a vehicle stranded for lack of fuel to reach a source of supply, but the transferor shall retain the ration book until the vehicle is brought to him for identification.

(3) Transfer may be made only on and after the validity date noted on the cover of the ration book or identifying folder presented or, in the case of a Class "A" book, only during the valid period of the coupon in exchange for which the transfer is made. In the case of special rations and rations which bear an expiration date transfers may be made only during the valid period noted on the cover of the ration book or identifying folder which is presented.

(4) (i) On and after January 1, 1945, no transfer of gasoline may be made in exchange for coupons contained in Class "B" books issued on Form OPA R-527A, R-527B, R-527C and R-527D.

(ii) On and after January 1, 1945 no transfer of gasoline may be made in exchange for coupons contained in Class "C" books issued on Form OPA R-528A, R-528B, R-528C and R-528D.

(iii) On and after February 1, 1945 no transfer of gasoline may be made in exchange for coupons contained in Class "T" books issued on Form OPA R-532A, R-532B and R-532C.

(b) *Coupons in non-highway books.* Bulk transfer may be made in exchange for coupons contained in Class E and R books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made in exchange for a coupon detached prior to the presentation of a coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E or R book may be knowingly made for use in a registered motor vehicle, commercial motor vehicle or the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(3) (i) On and after February 1, 1945 no transfer of gasoline may be made in exchange for coupons contained in Class "E" books issued on Form OPA R-530A and R-530B.

(ii) On and after February 1, 1945 no transfer of gasoline may be made in exchange for coupons contained in Class

² 9 F.R. 9412.

"R" books issued on Form OPA R-531A and R-531B.

(c) *Bulk coupons.* Transfer may be made in exchange for bulk coupons as follows:

(1) The transferor must require surrender, at the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred.

(i) When any delivery of gasoline is made in the absence of the transferor or his agent, by barge or tank car, or in the absence of the transferee or his agent coupons need not be surrendered simultaneously with delivery, but must be forwarded to the transferor within seven days after delivery.

(2) Transfer may be made only in exchange for bulk coupons which are issued on OPA Form R-553a or OPA Form R-554a. No dealer may transfer gasoline in exchange for 100 gallon bulk coupons, and no dealer shall have any such coupons in his possession (except those which have been issued to him by a Board as his own ration), unless he regularly engages in bulk sales of gasoline in units of 100 gallons or more.

(d) *Gasoline certificates.* Transfer may be made by a distributor pursuant to a valid gasoline certificate only into the storage tanks of the commercial account to whom the certificate was issued.

SEC. 12.4 *Transfer of vehicle, boat or equipment.* Nothing in this order shall be deemed to forbid the transfer of gasoline in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and bona fide transfer of the vehicle, boat, or equipment.

SEC. 12.5 *Transfer of consumer establishments; transfer by operation of law.* (a) Nothing in this order shall be deemed to forbid the transfer of gasoline actually in a storage tank maintained by a consumer as part of an enterprise, in conjunction with a lawful and bona fide transfer of the enterprise itself, or a transfer of gasoline by operation of law.

(b) Any person to whom a transfer of the character described above is made, shall report the amount of gasoline involved to the Board serving the area in which the gasoline is located. The transferee may either:

(1) Transfer all or any part of the gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred. He must thereupon surrender the coupons or other evidences to the Board for cancellation; or

(2) He may consume the gasoline to the extent of any rations which have been issued to him. He may use it only for the purpose for which the ration was issued and shall surrender to the Board for cancellation, coupons equal in value to the amount of gasoline consumed.

SEC. 12.6 *Signature on coupon book.* No coupon book may be used until the person to whom it is issued has signed the certification provided for therein.

SEC. 12.7 *Change of occupation of ration holder.* The holder of a ration

which is based on allowed mileage in excess of 400 miles per month shall report to the issuing Board any change in the principal occupation for which the ration was issued. The holder shall submit his report to the Board within five days after the change, describing fully the nature of his new occupation, the exact type of work performed, the business or industry in which it is performed and the purpose, if any, for which the vehicle will be used in his new occupation. If the Board believes that the motor vehicle will no longer be used for a preferred purpose listed in section 5.6, it shall notify the holder in writing that his right to the ration is to be re-examined. The notice shall require him to file a new application within ten days. If no new application is filed within that time, the Board shall revoke the ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 400 miles per month) issued in connection therewith. If a new application is filed, the Board shall determine the eligibility for a preferred purpose listed in section 5.6 and if it finds that the vehicle will no longer be eligible, it shall revoke the ration and recall the coupons or coupon book originally issued. It shall then issue the rations that the holder is entitled to receive on the basis of his new application.

SEC. 12.8 *Restriction on use of gasoline for racing or exhibition purposes.* No gasoline shall be used for the operation of any boat or any motor vehicle in exhibitions or races for public entertainment or prizes.

SEC. 12.9 *Display of stickers.* No person may use a Class A, B, C, or T coupon book or bulk coupon, other than one representing a special ration, issued for a registered or commercial motor vehicle, unless the sticker identifying the class of ration issued for the vehicle is permanently affixed to and displayed on the right hand side of the vehicle's windshield. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying the additional ration.

SEC. 12.10 *Restriction on blending of gasoline.* No person other than a distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

SEC. 12.11 *Restriction on consumption of gasoline.* No person shall consume gasoline unless it was acquired by him or on his behalf in exchange for valid coupons or other evidences authorizing a transfer to a consumer.

SEC. 12.12 *Transfers from fuel tank.* No gasoline in the fuel tank of any motor vehicle, inboard motor boat, outboard motor or non-highway equipment shall be transferred to the fuel tanks of any registered or commercial motor vehicle, or of any inboard motor boat or outboard motor operated for non-occupational purposes.

SEC. 12.13 *Discrimination by dealers and distributors.* (a) No distributor shall discriminate in the transfer of gasoline among dealers lawfully entitled to acquire gasoline under this order. Any refusal on the part of a distributor to transfer gasoline to a dealer to whom he has made a transfer on or subsequent to May 1, 1943, shall be prima facie evidence of discrimination.

(b) No dealer or distributor shall discriminate in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of this order.

SEC. 12.14 *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for its use.

SEC. 12.15 *Limitation on speed.* (a) No person shall use gasoline in the operation of a motor vehicle at any rate of speed in excess of 35 miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Armed Forces of the United States, or to meet an emergency involving serious threat to life, health or public safety.

SEC. 12.16 *Other prohibitions.* (a) General Ration Order 8² contains provisions, applicable to all Ration Orders, which prohibit, among other matters:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, defacing, mutilating, or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated ration document;

(5) Wrongfully withholding a ration document;

(6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Transferring a rationed commodity at an illegal price;

(8) Bribing, hindering, or interfering with rationing officials;

(9) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

ARTICLE XIII—REGISTRATION OF PLACE OF BUSINESS

SEC. 13.1 *Registration of inventory and capacity.* (a) Every dealer shall take a physical inventory of his total gasoline supplies on hand as of the close of business on the day preceding the effective date of this Order and shall, within the next two days register on OPA Form R-545 with the Board serving the area in which his place of business is located.

(b) Separate registration shall be made by the dealer for each place of business operated by him at which gasoline is transferred, and shall be made at each respective Board having jurisdiction over the place of business.

² 8 F.R. 3783, 5677, 9326, 15455; 9 F.R. 402, 1325, 2746, 4196, 4878, 7419; 10 F.R. 860, 3403.

SEC. 13.2 What constitutes gasoline on hand. The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars, drums or other containers, except gasoline in the fuel tank of a motor vehicle.

SEC. 13.3 What constitutes gasoline storage capacity. The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums or other movable containers. However, a dealer who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

SEC. 13.4 Issuance of registration certificates. The Board upon being satisfied that the information submitted by the registrant is correct, shall by authorized signature approve the certificate, file Part B and return Part A to the registrant who shall retain it as a certificate of registration at the place of business to which it applies.

SEC. 13.5 Issuance of inventory coupons. (a) The Board shall issue to the registrant inventory coupons in an amount equal to the number of gallons, if any, by which the total gasoline storage capacity for each place of business exceeds the total inventory of gasoline on hand. A one hundred gallon inventory coupon or a quantity of Class A coupons may at any time subsequent to registration be exchanged at any Board by a dealer for an equivalent amount of one gallon inventory coupons.

SEC. 13.6 Restriction on use of inventory coupons. (a) Every dealer shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the amount of consumer coupons or other evidences available for exchange. One gallon inventory coupons, however, may be used to make up the difference between the number of gallons in any delivery and the number of gallons represented by the sum of the values of consumer coupons or other evidences.

(b) Every dealer shall clearly write or stamp on the reverse side of each inventory coupon issued to him, the name and address of his establishment as shown on the certificate of registration, and no inventory coupons shall be used in exchange for gasoline unless these notations appear on the coupon.

SEC. 13.7 Restrictions on transfers. Except as provided in section 13.8, no dealer shall transfer or shall receive a transfer of gasoline from any other dealer or distributor except in exchange for a quantity of coupons or other evidences, at or before the time of the actual delivery of the gasoline, which is exactly equal in gallonage value to the amount of the gasoline transferred. Evidences shall not be exchanged for transfers of gasoline between distributors.

SEC. 13.8 Absentee and third party deliveries. (a) Where a distributor delivers gasoline during hours when the

transferee is not open for business, the transferee shall, where the exact amount to be delivered is known in advance, mail or deliver evidences to the distributor in advance, or at the discretion of the distributor, within twenty-four hours of delivery, equal in gallonage value to the amount, or adjusted amount of the delivery.

(b) Where gasoline is delivered to a dealer by common or contract carrier, or where the billing for gasoline transferred is not received by the transferee at the same time as, or prior to receipt of the gasoline, the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver evidences to his distributor equal in gallonage value to the amount of the delivery, or he may, at the transferor's discretion, forward the evidences to the transferor within five days after receipt of the delivery.

SEC. 13.9 Upstream transfers. (a) Any distributor who receives a transfer or return of gasoline from a dealer, other than in connection with a transfer to him of the place of business of the dealer, shall deliver to the dealer a quantity of his accumulated coupons or other evidences equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Any dealer who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the consumer's place of business, shall deliver to his board a quantity of evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired and the quantities so acquired.

(c) Any distributor who receives a transfer or return of gasoline from a Consumer, other than in connection with a transfer to him of the consumer's place of business, shall submit a signed statement in duplicate to the Board setting forth the name and address of the consumer and the quantity of gasoline acquired, whenever he remits his accumulated evidences in return for an exchange certificate. The Board shall issue an exchange certificate equal to the difference between the gallonage value of the evidences remitted and the gallonage of the returned gasoline.

(d) The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such state-

ments. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other notations as may be required, note on the face of the coupon books issued, and on the application, the expiration date of the ration, which shall be the same expiration date as that applicable to the ration originally issued.

SEC. 13.10 Preservation of coupons. Each dealer and distributor shall affix all coupons received by him in exchange for transfers or returns of gasoline to coupon sheets on OPA Form R-120. Only coupons which are of the same class or type and which were received at the same unit value shall be affixed to a single sheet.

SEC. 13.11 Summary of coupons. Each dealer shall, prior to every delivery by him of coupons or other evidences to a transferor of gasoline prepare OPA Form R-541, Summary of Coupons, in duplicate, certifying the number of each type of coupon and the number of evidences to be delivered. He shall turn over to the transferor the original of this summary attached to his coupons and other evidences, and shall retain the copy at his place of business for a period of not less than one year. All summaries received by a distributor shall be recapitulated in his own summary, equalling the total gallonage represented by all coupons and other evidences (less the gallonage represented by exchange certificates) forwarded by him. The summaries received from dealers shall be included with the attached coupons and other evidences when forwarded by the distributor.

SEC. 13.12 Exchange of coupons for certificates. A distributor may at any time deliver to a Board coupons or other evidences and obtain in return exchange certificates equal to the gallonage value of the valid coupons or other evidences remitted. The remitter shall attach a Summary of Coupons on OPA Form R-541, in addition to the summaries already attached by the dealer from whom the coupons or other evidences were received.

SEC. 13.13 Transfer and surrender of expired coupons. (a) (1) Upon the close of business on December 31, 1944, each dealer who has in his possession or control Class "B" book coupons issued on Forms OPA R-527A, R-527B, R-527C and R-527D shall attach such coupons to separate gummed sheets (Form OPA R-120A) to which no other coupons are attached. He shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. On or before January 5, 1945 each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline or to the

Territorial Office in exchange for inventory coupons equal in gallonage value to the coupons so surrendered.

(2) After January 5, 1945 no distributor shall accept from any dealer or distributor any Class "B" book coupons issued on Forms OPA R-527A, R-527B, R-527C and R-527D, nor shall any distributor make any transfers of gasoline in exchange for such coupons. On or before January 10, 1945, each distributor shall deliver to the Territorial Office all such coupons received by him for a lawful transfer of gasoline made on or before January 5, 1945. The Territorial Office shall issue exchange certificates or receipts equal in gallonage value to the coupons so surrendered.

(b) (1) Upon close of business on December 31, 1944, each dealer who has in his possession or control Class "C" book coupons issued on Forms OPA R-528A, R-528B, R-528C, and R-528D shall attach such coupons to separate gummed sheets (Form OPA R-120A) to which no other coupons are attached. He shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. On or before January 5, 1945, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline or to the Territorial Office in exchange for inventory coupons equal in gallonage value to the coupons so surrendered.

(2) After January 5, 1945, no distributor shall accept from any dealer or distributor any Class "C" book coupons issued on Forms OPA R-528A, R-528B, R-528C and R-528D nor shall any distributor make any transfers of gasoline in exchange for such coupons. On or before January 10, 1945, each distributor shall deliver to the Territorial Office all such coupons received by him for a lawful transfer of gasoline made on or before January 5, 1945. The Territorial Office shall issue exchange certificates or receipts equal in gallonage value to the coupons so surrendered.

(c) (1) Upon close of business on January 31, 1945, each dealer who has in his possession or control Class "T" book coupons issued on Form OPA R-532A, R-532B and R-532C shall attach such coupons to separate gummed sheets (Form OPA R-120A) to which no other coupons are attached. He shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. On or before February 5, 1945, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline or to the Territorial Office in exchange for inventory coupons equal in gallonage value to the coupons so surrendered.

(2) After February 5, 1945, no distributor shall accept from any dealer or distributor any Class "T" book coupons issued on Forms OPA R-532A, R-532B, and R-532C nor shall any distributor make any transfer of gasoline in exchange for such coupons. On or before February 10, 1945 each distributor shall deliver to the Territorial Office all such coupons received by him for a lawful transfer of gasoline made on or before February 5, 1945. The Territorial Office

shall issue exchange certificates or receipts equal in gallonage value to the coupons so surrendered.

(d) (1) Upon the close of business on January 31, 1945, each dealer who has in his possession or control Class "E" book coupons issued on Form OPA R-530A and R-530B shall attach such coupons to separate gummed sheets (Form OPA R-120A) to which no other coupons are attached. He shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. On or before February 5, 1945, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline or to the Territorial Office in exchange for inventory coupons equal in gallonage value to the coupons so surrendered.

(2) After February 5, 1945, no distributor shall accept from any dealer or distributor any Class "E" book coupons issued on Form OPA R-530A and R-530B nor shall any distributor make any transfers of gasoline in exchange for such coupons. On or before February 10, 1945 each distributor shall deliver to the Territorial Office all such coupons received by him for a lawful transfer of gasoline made on or before February 5, 1945. The Territorial Office shall issue exchange certificates or receipts equal in gallonage value to the coupons so surrendered.

(e) (1) Upon the close of business on January 31, 1945, each dealer who has in his possession or control Class "R" book coupons issued on Form OPA R-531A and R-531B shall attach such coupons to separate gummed sheets (Form OPA R-120A) to which no other coupons are attached. He shall summarize such coupons on a summary form (Form OPA R-541) on which no other coupons are listed. On or before February 5, 1945, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline or to the Territorial Office in exchange for inventory coupons equal in gallonage value to the coupons so surrendered.

(2) After February 5, 1945, no distributor shall accept from any dealer or distributor any Class "R" book coupons issued on form OPA R-531A and R-531B nor shall any distributor make any transfers of gasoline in exchange for such coupons. On or before February 10, 1945, each distributor shall deliver to the Territorial Office all such coupons received by him for a lawful transfer of gasoline made on or before February 5, 1945. The Territorial Office shall issue exchange certificates or receipts equal in gallonage value to the coupons so surrendered.

SEC. 13.14 *Certification of shortage.* Dealers shall be permitted from time to time to apply by certification on OPA Form R-549 for replenishment for losses of gasoline through evaporation, handling, accident or other extraordinary circumstances, and for unavoidable loss of coupons or other evidences. The certification of shortage shall be submitted to the Board having jurisdiction over the dealer's establishment to which the shortage is to be attributed, and shall

give a full explanation of the reasons therefor. If the Board finds that the applicant has incurred the shortages claimed, that they were not incurred as a result of any acts performed in violation of this order and that any claimed shortage of gasoline is reasonable, it shall file the certification and issue to the dealer a quantity of inventory coupons equal to the amount of the proven shortage. A copy of the certification may be retained by the dealer for his records.

ARTICLE XIV—RECORDS AND AUDITS

SEC. 14.1 *Accountability of dealers.*

(a) Every dealer shall be accountable for all gasoline, coupons and other evidences received by him and shall at all times have in his possession or control coupons or other evidences having an aggregate gallonage value which, when added to the number of gallons of gasoline on hand, is equivalent in gallonage to his total gasoline storage capacity as stated in his registration filed with the Board.

(b) Every distributor shall give to a dealer to whom he is making a delivery of gasoline, an invoice, delivery ticket or other customary evidence of transfer, showing the name and address of the purchaser and the date and quantity of the purchase. The dealer shall retain the evidence so furnished him at his place of business for at least a year.

SEC. 14.2 *Reports by distributors.*

(a) Every distributor shall prepare an additional copy of each of his monthly motor fuel tax reports (and supporting schedules) which he shall submit to the Territorial Tax Commissioner together with his usual monthly report. He shall attach to the extra copy of his report a certified statement as to the amount of gasoline delivered to each of his commercial accounts during the period covered by the report, and other evidences, which together shall represent a gallonage value equal to the total gallonage value for which he is required to account.

(b) The distributor shall also prepare in triplicate a reconciliation statement on OPA Form R-550, reconciling the difference between the gallonage value of the evidences and the statement so submitted, and the total gallonage disposed of by him as reported by the tax return. He shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy at his place of business for a period of not less than one year.

(c) Every distributor shall report his total deliveries of gasoline to dealers and consumers. The report shall be filed weekly except that the Director may require daily reports whenever he considers such information necessary to determine the status of the civilian quota for gasoline set by the Office of the Military Governor. Reports of deliveries on Oahu and Lanai shall be made to the Director; reports of deliveries on each of the other islands shall be made to the Board serving that island.

(d) Every distributor shall be accountable for all gasoline, coupons and other

evidences received by him. He shall at all times have in his control evidences in a gallonage value which, when added to the gallonage represented by evidences transmitted through the Hawaii Tax Commissioner and expired gasoline certificates, shall be equivalent in gallonage value to the number of gallons of gasoline which he has transferred on or after July 1, 1943, and for which the receipt by him of coupons or other evidences is required by this order, except as theft or unavoidable loss of evidences may prevent it.

SEC. 14.3 Audit by Tax Commissioner. On completion of its usual office audit of a distributor's monthly motor fuel tax report, the Tax Commissioner's office will by authorized signature either verify or note errors on the additional copy of the tax report received by it, will inspect the reconciliation form and attached evidences in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will then forward the additional copy of the tax return, the attached evidences and the original of the reconciliation form and supporting statements to the Director. In the event the Tax Commissioner's office discovers any error or other irregularity in the monthly report by later inspection or audits, it will notify the Director of all the facts relating to the irregularity.

ARTICLE XV—NEW REGISTRATIONS

SEC. 15.1 Registration of new or reopened place of business. Any dealer who opens or reopens a place of business not currently registered shall, prior to receipt or transfer of any gasoline, register the place of business in the manner provided for in section 13.1, and shall be issued inventory coupons equal in gallonage value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

SEC. 15.2 Cessation of business. Any dealer who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall at the time of final closing, deliver to the Board having jurisdiction over his place of business, the certificate of registration and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of the place of business except those issued to him as a ration by the Board.

SEC. 15.3 Acquisition of dealer's place of business. Any person who acquires for continued operation for the transfer of gasoline a place of business from a dealer may accept a transfer of all gasoline on hand at the place of business. The transferee shall, at the time of acquisition, obtain from the dealer the certificate of registration for the place of business and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity as of the time of transfer. The transferee shall immediately deliver to the Board having jurisdiction over the place of business,

the certificate of registration received by him from the dealer and shall endorse his name and address on the certificate of registration and the duplicate on file with the Board. The endorsement shall constitute a certification by the transferee that he has acquired from the transferor the place of business described in the certificate, the total quantity of gasoline on hand at the place of business, and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity of the place of business as of the time of transfer. The place of business so acquired shall be registered by the transferee in accordance with the provisions of sections 13.1 to 13.5 inclusive.

SEC. 15.4 Change of storage capacity. Any dealer who alters the total gasoline storage capacity of his place of business shall deliver for cancellation to the Board having jurisdiction over the place of business, his currently valid certificate of registration, and shall register for and obtain a new certificate. The Board shall attach to its copy of the new certificate the original and copy of the cancelled one. If the total gasoline storage capacity of the place of business is decreased, the dealer shall surrender to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of the decrease. If the total gasoline storage capacity is increased, the Board shall issue to the dealer a quantity of inventory coupons equal in gallonage value to the amount of the increase.

ARTICLE XVI—GENERAL PROVISIONS

SEC. 16.1 Inspection of records and facilities. All records, reports, forms, accounts or other documents required to be prepared and kept by any person under this order, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and such other personnel as it may designate. The inspection may be made at the place of business of any such person during regular business hours, or in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Director.

SEC. 16.2 Adjustment of errors. Any person who claims that a registrar or issuing agent improperly refused to issue a ration book or made an error in issuing one on the basis of his application may apply to his Board for adjustment of the error.

SEC. 16.3 Appeals from decisions of boards. Any person may appeal from an adverse decision of a Board. The appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9.⁴

SEC. 16.4 Designation of unit value of coupons. The unit value of any coupon in the hands of a dealer or distributor, other than a coupon issued to him as a ration, shall be that value which the

⁴ 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806, 12482, 14211; 9 F.R. 1594, 4539, 10491; 10 F.R. 2478.

coupon had at the time and place it was surrendered by a consumer in exchange for gasoline. The value of the unit represented by coupons in Class A, B, C, D, E, R, T-1, and T-2 ration books, when surrendered by a consumer in exchange for gasoline, is hereby designated and fixed as follows:

(a) Two and five-tenths (2.5) gallons of gasoline with respect to class "A" book coupons issued on Form OPA R-525B. Five (5) gallons of gasoline with respect to class "A" books issued on Form OPA R-525C.

(b) Four (4) gallons of gasoline with respect to Class B and C book coupons.

(c) One (1) gallon of gasoline with respect to Class "D" book coupons issued on Form OPA R-529B, and Class "D" book coupons issued on Form OPA R-529A which have been stamped "S" for use with motorscooters. Class "D" book coupons issued on Form OPA R-529A which have not been stamped "S" shall continue to have a unit value of one and five-tenths (1.5) gallons of gasoline.

(d) One (1) gallon of gasoline with respect to Class E book coupons.

(e) Five (5) gallons of gasoline with respect to Class R, T-1 and T-2 book coupons.

SEC. 16.5 Effect on other orders. (a) Revised Ration Order No. 5F shall supersede, on its effective date on any island of the territory of Hawaii, any and all other orders rationing gasoline on that island.

Effective date. Revised Ration Order No. 5F shall become effective on May 30, 1945.

Issued this 25th day of May 1945.

GERALD A. BARRETT,
Territorial Director,
Territory of Hawaii.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-8895; Filed, May 25, 1945;
11:43 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS [RMFR 293, Amdt. 6]

STOCK MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 293 is amended in the following respects:

1. Section 2 (a) is amended by deleting the sentence "This regulation also covers flush veneered doors with hollow cores made of any species of lumber or insulating board" and a new sentence is substituted therefor to read as follows: "This regulation also covers veneered doors with hollow or solid cores made of any species of lumber (except fir, larch, spruce or hemlock) or insulating board."

¹ 8 F.R. 12694, 14346, 14314, 16199; 9 F.R. 8514, 3747.

2. Section 2 (a) is amended by the addition of a sub-paragraph (5) to read as follows:

(5) "8000 Series Standard Moulding Book" means the 8000 Series Standard Moulding Book, Fourth Edition, published in 1940 by Shattock and McKay Company, Chicago, Illinois.

3. Section 17 is amended in the following respects:

a. The words "and lineal sash stock" are added to the headnote.

b. A new paragraph (e) is added to read as follows:

(e) The maximum prices for Ponderosa pine lineal sash stock when sold in mixed cars with other millwork (other than mouldings) shall be the net prices, f. o. b. mill, full freight allowed, computed by applying the following base discounts to the list prices on page 70 of Standard Woodwork Lists, Catalogue No. 40.

Description of product: Sash stock, lineal, random lengths clear grade, W. P. Pine	Delivered to—							
	Zones 1, 12, 14, 15, 16, 17	Zones 1½, 2, 3	Zone 3½	Zone 4	Zones 5, 6	Zones 7, 9, 10, 13	Zone 8	Zone 11
Bars, muntin stock and rails—list under \$3.00.	19½	17½	17½	16½	19½	19½	19½	20½
Stiles, rails and bars—list \$3.00 and over.	14½	12½	12½	11½	14½	14½	14½	15½

4. Section 19 (d) 7 is amended to read as follows:

7. Wider than standard combination doors. ¾" to 1" wider than standard (standard combination doors are net width and 1" longer than regular doors); \$0.30 to the list price, when specifically ordered by the purchaser.

5. Section 21 is amended in the following respects:

a. The words "and lineal frame stock" are added to the headnote.

b. In paragraph (a) the table is amended to read as follows:

Description of product: Knocked down or semi-assembled frames, 1,200 or more frames	Delivered to—			
	Zones 1, 5, 6, 7, 9, 12, 14, 15, 16, 17	Zones 1½, 2, 3, 3½, 8, 10, 13	Zone 4	Zone 11
Designs 801 to 827 except 810, 811, 813, 814, 820 and 821.	64	63	62	64½
Designs 810, 811, 813, 814, 820, & 821.	62	61	60	62½
Designs 828 to 836.	63	62	61	63½
Casement and cellar frames.	63	62	61	63½
Outside door frames.	63	62	61	63½
Inside door jambs ¾" x 3½"	52	51	50	52½
Inside door jambs ¾" x 5½"	57	56	55	57½

c. A new paragraph (d) is added to read as follows:

(d) The maximum prices for Ponderosa pine lineal frame stock sold alone or with other millwork (other than mould-

ings) in carload quantities shall be the net prices, f. o. b. mill, full freight allowed computed by applying the following base discounts to the list prices and list extras contained in the 8000 Series Standard Moulding Book.

Description of product: Frame stock, lineal, random lengths clear grade W. P. Pine	Delivered to—			
	Zones 1, 5, 6, 7, 9, 12, 14, 15, 16, 17	Zones 1½, 2, 3, 3½, 8, 10, 13	Zone 4	Zone 11
Under \$3.00 list.	19½	17½	16½	20½
\$3.00 list and over.	14½	12½	11½	15½

6. In section 21, paragraph (c) (1) is amended to read as follows:

(1) Window frames listed with pulleys, when furnished without pulleys; deduct \$0.75 list and shorten discounts 2 points.

7. In section 26, in the heading and in paragraphs (a), (b), (c) and (d), wherever the term "Ponderosa pine solid cores" appears, it is amended to read "solid cores of any species of lumber except fir, larch, spruce or hemlock".

This amendment shall become effective May 30, 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8896; Filed, May 25, 1945; 11:43 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 107]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amend-

18 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5925, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434, 7425, 7580, 7583, 7759, 7774, 7834, 8148, 9066, 9090, 9289, 9356, 9509, 9512, 9549, 9785, 9896, 9897, 10192, 10499, 10877, 10777, 10878, 11350, 11534, 11546, 12038, 12208, 12340, 12340, 12341, 12263, 12412, 12537, 12643, 12963, 12973, 13067, 13138, 13205, 13761, 13934, 13995, 14062, 14437, 14731, 15107; 10 F.R. 49, 256, 460, 923, 1540, 1403, 1456, 1910, 2024, 2026, 2145, 2160, 2188, 2245, 2521, 2965, 3054, 4156, 4266, 4665, 4718, 2515, 5045, 5101, 5458.

ment has been issued and filed with the Division of the Federal Register.

Section 15, Appendix H, Table 8—Maximum Prices for Certain Berries, footnote reference 6 is deleted from Items 4, 5, and 6 and added to Items 22, 23, and 24 in column 5 and footnote 6 is amended to read as follows:

* During the period beginning May 25, 1945, and ending June 20, 1945, the price in Column 5 for dewberries grown in Virginia and North and South Carolina shall be for Item 22 (pint) 16½¢; for Item 23 (quart) 32¢; and for Item 24 (pound) 21¢.

This amendment shall become effective at 12:01 a. m., May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

Approved May 24, 1945.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 45-8842; Filed, May 24, 1945; 4:44 p. m.]

Chapter XIV—War Contracts Price Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1602, 1603, 1605, 1607 and 1608 set forth below are also contained in Revision 18 of the Renegotiation Regulations dated May 4, 1945.

JAMES S. FEIGHT,
Lt., U. S. N. R.,
Secretary.

PART 1602—PROCEDURE FOR RENEGOTIATION

SUBPART D—CONDUCT OF RENEGOTIATION

Section 1601.241 is amended to read as follows:

§ 1602.241 *Commencement of renegotiation.* Renegotiation proceedings are commenced by the mailing, by registered mail, of reasonable notice of the time and place of a conference to be held with respect to the renegotiation. (See § 1603.801-3.) A form which may be used for such purpose is set forth in § 1607.721. Such notice must always be given whenever, in the opinion of the renegotiating agency, the renegotiable business of the contractor may reflect excessive profits, and should always be given prior to holding any conference with the contractor for the purpose of considering or determining the amount of excessive profits. Such notice must always be given within the one year period within which renegotiation can be commenced. (See § 1603.362 for a discussion of such period.) [RR 241]

SUBPART E—COMPLETION OF RENEGOTIATION

Section 1602.254 (b) is amended to read as follows:

§ 1602.254 *Progress reports.* * * *

(b) The several Departmental Boards and Services will prepare and furnish to the Assignments and Statistics Branch bi-weekly as at the close of business each alternate Friday (counting from Friday, May 4, 1945) the appropriate Bi-weekly

Progress Report (Form SPRA-0 in the case of Departments, see §§ 1607.751-1 and 1607.751-2, and Form SPRA I in the case of Services, see §§ 1607.751-3 and 1607.751-4). On the basis of the information supplied in the Bi-weekly Progress Reports of the several Departments, the Assignments and Statistics Branch will prepare bi-weekly Status of Renegotiation Reports (Form SPRA I-BB) and Operations Reports (Form SPRA I-CC) and will furnish the same to the War Contracts Board and the Departmental Boards (see §§ 1607.751-6 and 1607.751-8). On the basis of the information supplied in the Bi-weekly Progress Reports of the Services, the Assignments and Statistics Branch will prepare bi-weekly Status of Renegotiation Reports (Form SPRA I-B, set forth in § 1607.751-5) and Operations Reports (Form SPRA I-C, set forth in § 1607.751-7). In reporting for 1943 and 1944 cases, separate reports in similar form will be used for each year and will be submitted on the same dates.

PART 1603—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

SUBPART A—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

In § 1603.302 the last sentence is amended to read as follows:

§ 1603.302 *Differing accounting methods.* * * * Under ordinary circumstances a contractor will be renegotiated on the same basis as that used for the determination of his income for Federal income tax purposes and, where a contractor requests and is allowed to renegotiate on some other basis, he will be required to agree that future renegotiations will be conducted on the same basis unless the War Contracts Board approves a variation of this proceeding by reason of unusual circumstances in a particular case with reference to special accounting procedures in the case of particular identified items see § 1603.381-6.

SUBPART E—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

1. Section 1603.352-2 (c) is amended to read as follows:

§ 1603.352-2 *Exemptions.* * * * (c) For an exemption relating to certain contracts and subcontracts involving public utilities see § 1608.842. For an exemption relating to perishable foods, see § 1608.843.

2. Section 1603.355-4 is amended to read as follows:

§ 1603.355-4 *Application of Exemption to Construction Contracts and Subcontracts Entered into after December 31, 1943.* The War Contracts Board has found that (subject to the exception hereinafter provided) competitive conditions affecting the making of construction contracts and subcontracts entered into subsequent to December 31, 1943, were such as to result in effective competition with respect to the contract or subcontract price; and, accordingly, the Board, in accordance with subsection (i) (4) of the 1943 Act, has exempted such

contracts and subcontracts from all of the provisions of the 1943 Act. There are excepted from the provisions of this section construction contracts and subcontracts entered into after December 31, 1943, which constitute substitutes for or revisions or extension of construction contracts or subcontracts entered into on or before December 31, 1943. The term "construction contracts and subcontracts" as used herein shall be construed in accordance with the principles set forth in paragraphs (a) (1) and (b) of § 1603.355-3. [RR 355.4]

SUBPART H—COSTS ALLOCABLE AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

1. In § 1603.381-4 paragraph (a) and the third sentence of paragraph (c) are amended to read as follows:

§ 1603.381-4 *Profit, cost allocation and allowance; general.*—(a) *Profit.* The term "profits derived from contracts with the Departments and subcontracts" is defined by the act as the excess of the amount received or accrued under contracts and subcontracts over the costs paid or incurred with respect thereto. The term "costs" includes selling, general and administrative expenses. In connection with renegotiation on an over-all fiscal-year basis income received or accrued and items of cost paid or incurred will be considered as having been received or accrued or paid or incurred in the fiscal year to which such items are to be attributed in accordance with the method of accounting employed by the contractor or subcontractor in keeping his books or in accordance with such other method of accounting as the contractor and the Department conducting the renegotiation may agree upon pursuant to the provisions of §§ 1603.301, 1603.303 and 1603.381-6. Unless some other method of accounting shall have been agreed upon as provided in the preceding sentence, the method of accounting employed in determining the net income of the contractor or subcontractor for Federal income tax purposes shall be deemed to be the method of accounting employed by him in keeping his books.

(c) *Tax deductions.* * * * No such item of cost shall be allowed in an amount less than or in excess of that which is estimated to be deductible or excludible from income under the Internal Revenue Code, and all items of cost shall be attributed to the fiscal year in which they are allowable in the determination of taxable income under said Code except as provided in § 1603.381-6.

2. Section 1603.381-6 is added as follows:

§ 1603.381-6 *Special accounting procedures.* A contractor or subcontractor with whom renegotiation is to be conducted with respect to the aggregate of the amounts received or accrued in the fiscal year may, notwithstanding any other provision of these regulations, by agreement with the renegotiating agency to which he is assigned for renegotiation, adopt a method of accounting on an annual basis for purposes of renegotiation other than the method of ac-

counting employed in determining his net income for Federal income tax purposes, *Provided:*

(a) That the adoption of such method of accounting for purposes of renegotiation shall be approved in writing by the Chairman of the Price Adjustment Board of the Department concerned as being necessary in order clearly to reflect the profits attributable to the contractor's or subcontractor's performance in the fiscal year under renegotiable contracts and subcontracts; and

(b) That the method of accounting so adopted for purposes of renegotiation will differ from that employed in determining the net income of the contractor or subcontractor for Federal income tax purposes only to the extent of reporting particular identified items as having been "received" or "accrued" or "paid" or "incurred" in a fiscal year or years other than the fiscal year or years in which such items are deemed to have been "received" or "accrued" or "paid" or "incurred" under the accounting method employed in determining the net income of the contractor or subcontractor for Federal income tax purposes; and

(c) That the contractor or subcontractor shall be bound to employ in all subsequent renegotiation proceedings the method of accounting so adopted for purposes of renegotiation, except with the written consent of the Chairman of the Price Adjustment Board of the Department to which the contractor or subcontractor is at the time assigned for renegotiation. [381.6]

PART 1605—AGREEMENTS AND STATEMENTS

SUBPART A—AGREEMENTS AND CLEARANCES

Section 1605.506-4 is amended to read as follows:

§ 1605.506-4 *Clause to be used in certain cases where renegotiation is conducted on completed-contract basis.* Whenever renegotiation is conducted on a completed-contract basis pursuant to the request of a contractor in the form thereof which is set forth in § 1607.723, the clause set forth in § 1607.741-2 (6) (a) must be included in the renegotiation agreement. In each such case, a copy of such form executed by the contractor requesting renegotiation on a completed-contract basis (§ 1607.723) must be attached to the renegotiation agreement as an exhibit as provided in the clause set forth in § 1607.741-2 (6) (a). Whenever renegotiation is conducted on a completed-contract basis pursuant to the option given the renegotiating agency in the Request for Renegotiation on Completed-Contract Basis, executed by the contractor for a prior fiscal year (see § 1607.723), the clause set forth in § 1607.741-2 (6) (b) will be included in the renegotiation agreement. In each such latter case an exhibit will be attached to the renegotiation agreement as provided in the clause set forth in § 1607.741-2 (6) (b). [RR 506.4]

SUBPART B—STATEMENTS TO CONTRACTORS

Section 1605.524-1 is amended to read as follows:

§ 1605.524-1 Where statutory determination has not yet been made. When all of the facts relating to the renegotiation have been assembled and considered and the contractor has been advised by the renegotiating agency as to the amount which, in the opinion of such agency, represents the excessive profits which should be eliminated, there shall be submitted to the contractor, upon the latter's request, a written summary of the facts and reasons upon which such opinion is based. Such statement shall be prepared and furnished only upon the request in writing of the contractor including a statement that he has submitted all the evidence which he believes to be relevant to the renegotiation. Such request must be made within a reasonable time following the time the contractor has been advised by the renegotiating agency as to the amount which, in the opinion of such agency, represents the excessive profits to be eliminated. Determination of what constitutes a reasonable time under the circumstances shall be made by the renegotiating agency. The purpose of such statement will be to assist the contractor in determining whether or not he will enter into an agreement providing for the elimination of such excessive profits. The contents of such statement shall be prepared in accordance with the instructions set forth in § 1607.752-2 with respect to the statutory statement, but in lieu of the paragraphs set forth in § 1607.752-2 (a) and (b) it shall conform to the paragraphs in § 1607.752-3 (a) and (b). By agreement with the contractor, detailed information submitted by the contractor which is not necessary to the contractor's understanding of the opinion reached, may be omitted. [RR 524.1]

PART 1607—FORMS FOR RENEGOTIATION
SUBPART A—FORMS RELATING TO IDENTIFICATION, ASSIGNMENT AND CANCELLATION OF CASES

1. Section 1607.701-8 is added as follows:

§ 1607.101-8 Contractor's tentative report.

Budget Bureau No. 49-R236
Approval expires 12-31-45.

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Refer to
LPI----

CONTRACTOR'S TENTATIVE REPORT

(To be filed in duplicate)

From: ----- Dated: -----

To: The War Contracts Price Adjustment Board

1. We estimate that the financial results of our operations for our latest completed fiscal year (ended ----- 194--) were as follows:

Estimated aggregate receipts or accruals	\$-----
Estimated total costs paid or incurred	-----
Estimated profit, before Federal taxes on income and before any reserves	-----

2. We agree to file on or before ----- with ----- as the representative of the War Contracts Price Adjustment Board, the Standard Form of Contractor's Report in duplicate and all information and data called for by such Standard Form of Contractor's Report. We acknowledge receipt of copies of such Standard Form of Contractor's Report for our use in this connection.

3. In accordance with the provisions of clause (B) of the second sentence of subsection (c) (3) of the Renegotiation Act, it is hereby agreed that the time within which a determination of the amount, if any, of excessive profits derived by us from contracts with the Departments and subcontracts for our latest completed fiscal year may be made by order or agreement is hereby extended to and including the expiration of two years after the filing, in accordance with the provisions of paragraph (2) hereof, of the Standard Form of Contractor's Report in duplicate and all information and data called for thereby.

(Exact name of contractor—
not abbreviated)

(State of incorporation)

(Mailing address)

By (Authorized corporate officer,
partner, or proprietor)

(Title)

2. A footnote is added to the last paragraph of the notice in § 1607.704-2 as follows:

§ 1607.704-2 Notice to contractor of cancellation of assignment.

While such cancellation does not operate as a release of liability under the Renegotiation Statute, nevertheless, in the absence of further developments no further action is contemplated.

¹ Where a contractor has requested renegotiation on a completed-contract basis pursuant to § 1603.301-3 or where the option contained in such request has been exercised and the assignment is thereafter cancelled, insert in lieu of this paragraph the following (including date of such request):

Such cancellation does not operate as a release of liability under the Renegotiation Act and is made in reliance upon the agreement contained in your request for renegotiation on a completed-contract basis dated -----

3. The signature on the first endorsement in the Request for Cancellation Form in § 1607.704-3 is amended to read as follows:

§ 1607.704-3 Form No. 13 (request for cancellation).

MYRON F. RATCLIFFE,
Lt. Col. A. U. S.,
Chief, Assignments and
Statistics Branch.

SUBPART B—FORMS RELATING TO OPERATION OF RENEGOTIATION

1. Section 1607.722 is amended to read as follows:

§ 1607.722 Contractor's information and work sheet for renegotiation.

Budget Bureau No. 49-R173.2
Approval expires 12-31-45.

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

CONTRACTOR'S INFORMATION AND WORK SHEET FOR RENEGOTIATION

NOTE: Construction contractors, architects, engineers, agents, and brokers should not use this form, but should obtain the forms designed for their specific use by writing to: War Contracts Price Adjustment Board, Assignments and Statistics Branch, Room 3D-573, The Pentagon Building, Washington 25, D. C.

Information indicated in Sections A to P, inclusive, and the Exhibits attached thereto, is required for renegotiation under the Renegotiation Act. Any part of this information which has been submitted, either in the "Standard Form of Contractor's Report" or in connection with a previous renegotiation, may be omitted, provided reference is made to the manner, time, and place of its submission. Also, if similar, but not identical, information has been submitted for the latest prior year, only the changes need be stated. If any statements or information designated are inapplicable in a particular case, so state and give the reason therefor. If the preparation of the data specified would impose an unreasonable burden or expense, such information as is available in regularly prepared financial and operating reports may be supplied, provided the reason for the substitution is explained. In financial statements all cents may be omitted. Contractors should so indicate if they prefer to discuss with the renegotiation authorities the methods of segregation of sales and allocation of costs and expenses (Sections G and H). In such case, the Contractor's Information and Work Sheet for Renegotiation, completed in all other respects, should be submitted.

At the end of each section are specific instructions or comments pertinent thereto.

All information and data (subject to qualifications, if any, specifically set forth) must be certified as true and correct.

SECTION A—ANNUAL STATEMENTS

One copy each of the following should be furnished for the year under review:

1. Published annual report.
2. Detailed or long form audit report.
3. Federal income and excess profits tax returns filed.
4. State tax returns involving taxes measured by income of the year under review.
5. Latest brochure, catalog, or other material setting forth the company's business and products, unless previously filed.

Instructions. If annual reports to stockholders or audit reports by independent public accountants are not prepared, it should be so stated and, in lieu thereof, financial statements furnished, consisting of (a) a balance sheet as of the close of the year under review and (b) a statement of income and surplus for such year. These statements must be in reasonable detail. The balance sheet must show, in addition to the usual analysis of current assets and current liabilities, the gross plant account and related allowance for depreciation and amortization and all major reserves stated as separate amounts. The income statement must show sales, and analysis of cost of sales, and a classified list of expenses and miscellaneous items. It is essential that a reconciliation between income per books and income for Federal tax purposes be provided. For instructions as to the furnishing of tax returns, see Instruction: to Section N.

SECTION B—OWNERSHIP AND AFFILIATIONS

1. A statement showing the names and addresses of parent, subsidiary, and affiliated companies and organizations, with a brief description of the character of their business, the nature and extent of their affiliation, and an expression of opinion as to whether or not, during the year under re-

view, they had business subject to renegotiation.

2. A list of stockholders owning over 10 percent of voting stock, and stockholdings of officers and key executives.

3. A list of the companies and organizations which should be consolidated for purposes of renegotiation, and reasons therefor.

4. If the financial statements are submitted on a consolidated basis, similar financial statements for each subsidiary having renegotiable business and included in such consolidation.

5. The amount of intercompany sales or other transactions (and whether or not eliminated in consolidation) should be indicated, and the method of setting intercompany prices explained.

Instructions. The terms "affiliates" and "affiliated companies and organizations" mean all persons, firms, or corporations under the control of or controlling or under common control with a contractor. Indicate any changes during the year under review, in the form or control of organization (including reorganizations, dissolutions, acquisitions, and/or disposal of subsidiaries, etc.). In answering item 5 above, the use of a consolidating statement of income is desirable. This may be submitted for Exhibit 1, if the line captions are followed.

SECTION C—BUSINESS OF CONTRACTOR

1. List for the year under review of the principal products sold or the principal services rendered and the approximate amount of sales, (a) in quantity and (b) in dollars, of each principal type of product (or group of products) included in renegotiable business, and the functions performed with respect to each of the above (such as manufacturing, assembling, distributing, etc.). These should be separated, if possible, as to prime and subcontracts.

2. If a subcontractor, a list of major customers for renegotiable business, the types of products or services furnished to them, and their approximate dollar amount.

3. List of principal products or services prior to 1941.

4. Description of principal nonrenegotiable business during the year under review.

5. Comments on similarity or dissimilarity between wartime and peacetime products and manufacturing methods, with especial reference to the complexity of processes used.

6. Volume of business with subcontractors, including a list of principal suppliers of raw materials and subassemblies. Nature of relations with subcontractors, indicating materials supplied, and supervision, inspection, and financing furnished.

Instructions. The intent of the above is to bring out the character of the business. In the case of contractors making a large number of different products, the principal product of each major type should be listed.

SECTION D—PRICE RECORD

1. List the dollar unit prices of important products and services included in renegotiable business; any recent (1944 or later) unit price reductions, giving dates and volume of business to which applicable.

2. Details of rebates and refunds applicable to renegotiable business, including a statement as to whether they are reflected in the financial statements for the year under review.

3. Purchasing policy with respect to suppliers and subcontractors, and a statement of what efforts are made to reduce purchase prices.

4. Any price increases made or requested, with dates and explanations of reasons.

5. An explanation of any material difference in profit margins on renegotiable and nonrenegotiable business.

6. A list of major competitors and comments on any known price differentials. Comment in general on the pricing policy followed during the year under review.

SECTION E—GOVERNMENTAL AND OTHER ASSISTANCE

1. A statement showing assistance received (estimated if necessary), which may include:

- (a) Value of machinery loaned;
- (b) Value of plants provided;
- (c) Value of customer furnished ("free issue") materials received;
- (d) Advances on contracts;
- (e) Description of other financial or technical assistance received, and amount of former.

Instructions. The above refers to both governmental assistance and that received from other contractors; however, they must be shown separately. Significant changes during the year should be described. The amount of rentals paid for Government plant should be given, and an estimate, if possible, of the dollar volume of production therefrom indicated.

SECTION F—PLANT FACILITIES

1. A statement showing the approximate cost of privately financed facilities for which Certificates of Necessity have been issued, the dates as to which amortization commenced, and the amount of amortization charged with respect to each such facility during the year under review.

2. A statement of any Certificate of Non-necessity granted or applied for, the facilities affected, the unamortized value thereof, and the effective dates.

3. Character, cost, dates, and methods of acquisition of any other major additions to plant and equipment during the year under review.

4. A statement of plant disposals during the year, giving the tax status of any loss sustained thereon.

Instructions. Detailed lists need not be prepared. It will be sufficient to show only classifications, such as buildings, machinery, etc. In case of losses on disposals of plant, reference should be made to § 1603.385 of this chapter.

SECTION G—INCOME ACCOUNT

1. Income statement of the contractor for the year under review, separated as to renegotiable and nonrenegotiable business as defined under the Renegotiation Act.

Instructions. The attached Exhibits 1 and 1a are provided for use in this connection. If the income data, separated as between renegotiable and nonrenegotiable business, be submitted in some other form, Exhibits 1 and 1a should be used as guides, in order that proper consideration of the items thereon will be given.

Specific instructions relative to the preparation of Exhibits 1 and 1a are set forth on page 4.

Sales and cost of sales should be stated net of discounts and other pertinent allowances. Supporting schedules of items requiring further analysis should be provided.

For an interpretation of items entering into renegotiable and nonrenegotiable business refer to Standard Form of Contractor's Report, Instructions 3 to 10, both inclusive, which summarizes the pertinent material in Part 1603 of this chapter.

SECTION H—SEGREGATION

1. Description of the methods followed in segregating renegotiable and nonrenegotiable sales, as shown in Exhibits 1 and 1a.

2. Description of the methods followed (direct labor hours, cost of goods sold, etc.) in allocating costs, expenses and other income and deductions applicable to renegotiable and nonrenegotiable business, as shown in Exhibits 1 and 1a.

3. A statement or schedule with respect to each of the following:

- (a) The effect of raw material exemptions and "excess inventory" calculations provided for in subsection (i) of the Renegotiation Act;

(b) Sales to subcontractors of materials entering into repurchases from them;

(c) Interdepartmental sales not eliminated;

(d) Any basic or significant changes during the year under review in accounting methods, depreciation rates, and/or methods of inventory valuation;

(e) List of contracts and subcontracts (including identification number) subject to specific profit limitations, other than cost-plus-fixed-fee contracts;

(f) Volume of direct renegotiable sales (prime contracts) to subsidiaries of Reconstruction Finance Corporation or their agents and the amount of profits arising therefrom. (If renegotiation is conducted by the Reconstruction Finance Corporation Price Adjustment Board, the aggregate of direct sales to other departments or agencies named in the Act should be set forth and the profits thereon reported separately.)

(g) Description of method of valuing inventories, and character of charges included in such valuation; statement of inventory write-downs, with identification of those resulting from terminations;

(h) Nature of advertising.

Instructions. Adequate explanations are essential to the proper handling of the case. For use of reports to the Government in segregating sales, reference should be made to § 1603.322-6 of this chapter. Income account data should be presented in such form as to be comparable to the preceding years. If direct sales mentioned in (f) above aggregate less than \$50,000, they need not be reported separately. If profits on sales reported in (f) are not segregated, best estimate should be given.

SECTION J—SALARIES

1. Statement of salaries and all other compensation (including commissions, bonuses, royalties, and other forms of extra compensation) paid or accrued to the 10 highest paid officers and employees, or to those who received in excess of \$10,000 per annum (whichever is the lesser in number) for the year under review.

2. A brief description of any bonus, pension trust, or other employee compensation plans in effect or contemplated, with comment as to how they are applicable to personnel listed under item 1 preceding, showing the dates that such plans were adopted and whether approved by the Bureau of Internal Revenue.

3. Details of compensation of whatever character (fees, commissions, etc.), aggregating \$10,000 or more per payee, to other individuals or organizations, paid or accrued during the year under review.

Instructions. The statements of compensation should show for each individual or organization: Name, title or relationship, duties (unless self-explanatory), time devoted to business, total compensation; portion of the compensation paid to any of the individuals listed disallowed by the Bureau of Internal Revenue as a taxable deduction in the two latest years examined. Any compensation, based on sales or profits, which has been or will be affected by renegotiation should be stated.

SECTION K—RESERVES

1. A statement of provisions for reserves (other than shown on line 20 of Exhibit 1) for inventory losses, post-war reserves, or other contingencies (of a nature not allowed as a deduction for Federal income tax purposes) included in costs and expenses, except as specifically set forth.

Instructions. The statement should contain a list of the purposes of the provisions, and the amounts not deductible in computing net income for Federal taxes, but provided for various contingencies and which are not specifically set forth on Exhibits 1, 1a, or related schedules. If no such provisions were made, it should be so stated.

SECTION L—CPFF CONTRACTS

1. The following data for each CPFF contract, in addition to the summary provided in Schedule 1:

- (a) Contract number, for prime contracts; for subcontracts, name of prime contractor and prime contract number, if known;
 - (b) Total cost and fee as originally estimated, stated separately;
 - (c) Changes in original cost estimates;
 - (d) Adjustments to fee for changes;
 - (e) Fee earned or accrued in year under review;
 - (f) Estimate of cost to complete;
 - (g) Disallowances by major classifications.
- Instructions.* Estimates should be made if actual figures cannot be presented. The nature of the disallowances should be explained.

SECTION M—TERMINATED CONTRACTS

1. A statement of the aggregate receipts or accruals (exclusive of those based on termination claims of own subcontractors) applicable to uncompleted portions of renegotiable contracts or subcontracts terminated during the fiscal year under review. The amount applicable to terminated cost-plus-fixed-fee contracts must be shown separately.

2. A statement as to whether the nature or the proportions of costs and expenses allocable to the uncompleted portions of terminated contracts and subcontracts are or are not substantially different from the nature or the proportions of costs and expenses allocable to completed renegotiable contracts or subcontracts or the completed portions of contracts and subcontracts which were terminated during the year under review.

3. Submit Exhibit 3, if the costs and expenses applicable to uncompleted portions of renegotiable contracts and subcontracts (exclusive of claims of own subcontractors) are estimated to exceed \$100,000, and the answer to question 2 above is affirmative. (In any case, the renegotiating agency may require completion and filing of Exhibit 3.)

4. An estimate of the total amount involved in terminations during the year under review on which claim for compensation has been waived (so-called "no cost" settlements) together with the percentages thereof represented by (a) raw materials and (b) fabricated or semifabricated materials.

Instructions. Reference should be made to §§ 1603.308, 1603.381-5, 1608.852-5, and 1608.852-6 of this chapter.

If necessary, the amounts called for by item 1 may be estimated. If there are no terminated renegotiable contracts or subcontracts reflected in income for the year under review, a statement to that effect should be made.

It is recognized that in the case of "no cost" settlements the value of the claim which was waived may not be known with reasonable accuracy, or the components of costs as to material, labor, etc., represented in the waived claim may not be known. In order that the renegotiating agency may appraise properly the statutory factors as to the work performed with respect to the uncompleted portion of terminated contracts to which "no cost" settlements relate and with respect to other work, the aggregate costs and the breakdown thereof applicable to "no cost" settlements should be estimated as far and as accurately as possible. Contractors are urged to consult the renegotiating agency involved if particular difficulty or unusual factors are encountered in this connection. "No cost" settlements will not be treated as such unless the right to compensation has been waived.

SECTION N—INCOME TAX DATA

1. A statement showing the latest taxable year examined by the Bureau of Internal Revenue and any significant adjustments resulting in a change in taxable income or in-

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vested capital as a result of examinations made by the Bureau since January 1, 1942.

2. A statement showing changes in excess profits tax credit claimed or to be claimed under Section 721 or 722 of the Internal Revenue Code.

3. A list of States to which are paid taxes measured by income (including so-called franchise taxes), and the amounts for the year under review.

Instructions. In support of the above, there should be presented copies of tax returns and other documents (including, if possible, revenue agents' reports). In general, supporting schedules to the State tax returns, other than the reconciliation of taxable income and surplus, need not be presented, nor schedules to the Federal tax returns which are not in support of the income statement.

If unincorporated, all individual tax returns reflecting renegotiable income should be submitted.

SECTION O—STATEMENT OF FACTORS

1. A statement with regard to each of the following factors (which the Act provides shall be taken into consideration in renegotiation), in as much detail as may be necessary to bring out the salient facts:

(a) Efficiency of contractor, with particular regard to attainment of quantity and quality production, reduction of costs, and economy in the use of materials, facilities, and manpower;

(b) Reasonableness of costs and profits, with particular regard to volume of production, normal pre-war earnings, and comparison of war and peacetime products;

(c) Amount and source of public and private capital employed and net worth;

(d) Extent of risk assumed, including the risk incident to reasonable pricing policies;

(e) Nature and extent of contribution to war effort, including inventive and developmental contribution and cooperation with the Government and other contractors in supplying technical assistance;

(f) Character of business, including complexity of manufacturing technique, character and extent of subcontracting, and rate of turn-over.

Instructions. Factual data only should be submitted, and generalizations avoided. Only those factors which apply to the year under review should be discussed. If any information in connection with the foregoing has been provided in preceding sections, it need not be repeated, but should be cross-referenced. Reference should be made to Part 1604 of this chapter.

SECTION P—MISCELLANEOUS

1. A statement relative to each of the following:

(a) A list of royalties in excess of \$25,000 paid or accrued during the year under review; similarly, a list of royalties received in excess of \$25,000.

(b) Any revaluation of assets or recapitalization during the year under review.

(c) The types of escalator clauses in contracts subject to renegotiation.

(d) A description of any price revision clauses contained in renegotiable contracts and information as to any action taken thereon. (Identify contracts.)

2. Statements as to the following (optional):

(a) For the year under review, the average monthly number of employees and the average monthly number of employees on each shift; wage increases; labor relations insofar as they might have affected costs.

(b) Any other matters which may be pertinent in renegotiation.

Instructions. Such comments and explanations other than those set forth under Section O as will be helpful in making a proper evaluation of the business and profits may be made.

INSTRUCTIONS FOR PREPARATION OF EXHIBITS

Exhibit 1

Line 1. Enter as renegotiable business (Column A) the total amount of contractor's net billings on sales directly or indirectly to the War, Navy, and Treasury Departments, Maritime Commission, War Shipping Administration, Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company. All sales, whether subject to OPA regulations, or obtained on competitive bids, or otherwise, should be included as renegotiable if they were under prime (i. e., direct) contracts and purchase orders with one of the above-named departments or agencies, with the exception of exempted materials and articles. The term "sales," as noted herein, includes compensation for services rendered as well as for material provided. Sales under subcontracts of any tier, or purchase orders falling within the definition of "subcontracts" should likewise be included in renegotiable business. (See Section G.) When the contractor is engaged in two or more types of renegotiable business of a widely divergent nature, it is preferable that the sales, costs and expenses should be listed separately. In such cases, Exhibits 1 and 1a may be expanded to embrace additional columns.

Receipts and accruals relative to the uncompleted portions of terminated contracts or subcontracts should be included in Line 1. If these include amounts based on own subcontractor's claims, the aggregate of the latter should be shown as a footnote to Exhibit 1.

Lines 2, 4, 5, and 8. In allocating costs and expenses between renegotiable and non-renegotiable business, the contractor's cost system, if adequate, should be employed. Otherwise, percentages or other formulae may have to be used, either on individual products or groups of products, or by departments, divisions, etc. Each major item of selling and general expenses should be allocated in accordance with the most equitable method in view of the particular situation.

Lines 8 (b), 8 (c), 11 (b), and 12. Amounts representing nonoperating expenses and income, which in the light of circumstances are wholly or partially applicable to renegotiable business, should be entered on lines 8 (b) and 8 (c), respectively. Nonoperating items not applicable to renegotiable business should be entered on lines 11 (b) and 12. Examples of these are profit on disposal of fixed assets, adjustments applicable to prior years, interest and dividends received, write-off of intangibles, etc.

Line 11 (a). Enter on this line only the net fees applicable to cost-plus-fixed-fee contracts, and in the space for the Analysis of Cost-Plus-Fixed-Fee Contracts at the bottom of Exhibit 1, the pertinent costs and profits as indicated. These contracts are considered separately for renegotiation purposes. The gross sales or billings under contracts of this nature should not be included in Net Sales (line 1). (See Section L.)

Exhibit 1a

Cost of sales (line 22 (a) to (f), inclusive). If the contractor's cost system does not lend itself readily to the captions provided under this heading, the contractor may submit in lieu thereof a schedule prepared from his own classification of accounts. Where unit costs are compiled, an over-all approximation (expressed either in dollars or percent) of the material, labor, and overhead elements will be sufficient. While it is desired that columns A and B in the schedule of cost of sales be filled in, it is not required if the allocation would cause an undue amount of work on the part of the contractor, or if the cost of sales is allocated in proportion to the dollar value of sales, but the reason for their omission should be stated.

EXHIBIT 1A
(Detail of Exhibit I)

	Column A	Column B	Column C
Analysis of sales:			
19. Prime contracts and purchase orders.....	\$.....		
20. Subcontracts of any tier and purchase orders.....	\$.....		
21. Total (per Column A, Line 1, Exhibit I).....	\$.....		
22. Cost of sales:			
(a) Materials.....	\$.....		
(b) Goods purchased for resale.....	\$.....		
(c) Direct labor.....	\$.....		
(d) Maintenance and repairs.....	\$.....		
(e) Rents.....	\$.....		
(f) Royalties.....	\$.....		
(g) Other, including depreciation.....	\$.....		
(h) Inventory variations.....	\$.....		
(i) Total (per Line 2, Exhibit I).....	\$.....		
23. Approximate amount of work subcontracted, included in cost of sales.....	\$.....		
24. Selling and advertising expenses:			
(a) Salaries.....	\$.....		
(b) Product advertising.....	\$.....		
(c) Institutional advertising.....	\$.....		
(d) Commissions paid to outsiders.....	\$.....		
(e) Branch office expenses.....	\$.....		
(f) Other, including depreciation.....	\$.....		
(g) Total (per Line 4, Exhibit I).....	\$.....		
25. General and administrative expenses:			
(a) Officers' salaries.....	\$.....		
(b) Other office salaries.....	\$.....		
(c).....	\$.....		
(d).....	\$.....		
(e).....	\$.....		
(f).....	\$.....		
(g) Total (per Line 5, Exhibit I).....	\$.....		
26. Other applicable deductions:			
(a).....	\$.....		
(b).....	\$.....		
(c).....	\$.....		
(d).....	\$.....		
(e) Total (per Line 8 (b), Exhibit I).....	\$.....		
27. Other applicable income:			
(a).....	\$.....		
(b).....	\$.....		
(c).....	\$.....		
(d).....	\$.....		
(e) Total (per Line 8 (c), Exhibit I).....	\$.....		
28. Depreciation included above:			
(a) Normal.....	\$.....		
(b) Accelerated.....	\$.....		
(c) On idle plant.....	\$.....		
(d) Total depreciation.....	\$.....		
29. Other charges included above:			
(a) Amortization of emergency facilities.....	\$.....		
(b) Total executive salaries.....	\$.....		

items should be inserted in the spaces provided. Care should be taken that the allocation of each item between renegotiable and nonrenegotiable business be properly made, as the nature of these items may be such that allocation should be made on a basis different from that used for other classes of expenses.

Depreciation (line 28 (a) to (d), inclusive). The total amount of depreciation expenses (including depletion) should be accumulated under this caption, regardless of the accounts to which it may be charged on the contractor's books.

Other charges (line 29 (a) and (b)). The total amount of amortization may be entered on line 29 (a). Any amortization in excess of the standard 20 percent rate should be explained. (See Section F.)

EXHIBIT 1

Name of contractor.....
Address of contractor.....
Income statement for the fiscal year ended....., 194....., separated as to renegotiable and nonrenegotiable business as defined under the Renegotiation Act (items omitted).

	Column A Renegotiable business	Column B Nonrenegotiable business	Column C Total business
1. Net sales (excluding sales or billings under cost-plus-fixed-fee contracts).....	\$.....	\$.....	\$.....
2. Cost of sales.....	\$.....	\$.....	\$.....
3. Gross profit.....	\$.....	\$.....	\$.....
4. Selling and advertising expenses.....	\$.....	\$.....	\$.....
5. General and administrative expenses.....	\$.....	\$.....	\$.....
6. Operating profit (ratio line 6 to line 1).....	%.....	%.....	%.....
7. Other applicable items:			
(a) Interest paid or accrued.....	\$.....	\$.....	\$.....
(b) Other applicable deductions.....	\$.....	\$.....	\$.....
(c) Other applicable income.....	\$.....	\$.....	\$.....
8. Basic profit on fixed price business.....	\$.....	\$.....	\$.....
9. Percent margin (ratio line 9 to line 1).....	%.....	%.....	%.....
10. Other income:			
(a) Net fees earned under CPFF contracts (see detail below).....	\$.....	\$.....	\$.....
(b) Other.....	\$.....	\$.....	\$.....
11. Net profit before Federal and State taxes measured by income and provision for extraordinary reserves.....	\$.....	\$.....	\$.....
12. State taxes measured by income.....	\$.....	\$.....	\$.....
13. Net profit before provisions for Federal taxes on income and for extraordinary reserves.....	\$.....	\$.....	\$.....
14. Provision for Federal taxes on income—Gross.....	\$.....	\$.....	\$.....
15. Post-war refund of excess profits taxes (credit).....	\$.....	\$.....	\$.....
16. Net profit before extraordinary reserves.....	\$.....	\$.....	\$.....
17. Percent of net worth at start of period.....	%.....	%.....	%.....
18. Provision for extraordinary reserves.....	\$.....	\$.....	\$.....
19. Net income per books.....	\$.....	\$.....	\$.....
20. Analysis of cost-plus-fixed-fee contracts:			
(a) Total incurred or accrued costs.....	\$.....	\$.....	\$.....
(b) Fees received or accrued.....	\$.....	\$.....	\$.....
(c) Total of lines (a) and (b).....	\$.....	\$.....	\$.....
(d) Nonreimbursable costs.....	\$.....	\$.....	\$.....
(e) Net fees or profit ((b) minus (d)) per line 11 (a) above.....	\$.....	\$.....	\$.....
(f) Percent margin (ratio of (e) to (c)).....	%.....	%.....	%.....

Selling and advertising expenses (line 24 (a) to (g), inclusive). If the contractor's accounts contain any significant amounts included under captions not listed, a separate schedule should be submitted. Salaries should include all forms of compensation paid to contractor's employees. Line 24 (d) applies only to commissions paid to non-employees, such as brokers, manufacturers' agents, etc.

General and administrative expenses (line 25 (a) to (g), inclusive). Four lines have been provided for the insertion of any relatively large items. Should the number of lines be considered insufficient, a separate schedule should be submitted, containing the classification customarily used by the contractor.

Other applicable deductions and income (line 26 (a) to (f), inclusive). Significant

EXHIBIT 2

(Name of contractor)

(Address of contractor)

Comparative Statement of Income

This form and accompanying data are to be submitted only by contractors who have not been previously renegotiated

	Years ended (In even thousands of dollars)						
	19....	19....	19....	19....	19....	19....	19....
1. Net sales (excluding sales or billings under cost-plus-fixed-fee contracts)	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
2. Cost of sales
3. Gross profit
4. Selling and advertising expenses
5. General and administrative expenses
6. Operating profit
7. Percent margin (ratio of line 6 to line 1)%%%%%%%
8. Other applicable items:							
(a) Interest paid
(b) Other applicable deductions
(c) Other applicable income
9. Basic profit on fixed price contracts
10. Percent margin (ratio of line 9 to line 1)%%%%%%%
11. Other income:							
(a) Net fees earned under CPFF contracts
(b) Other
12. Other deductions:							
(a) State taxes measured by income
(b) Other
13. Net profit before provision for Federal taxes on income and extraordinary reserves
14. Provision for Federal taxes on income-gross
15. Postwar refund of excess profits tax (credit)
16. Net profit before extraordinary reserves
17. Percent of net worth at start of period%%%%%%%
18. Provisions for extraordinary reserves
19. Net income per books	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....

Instructions

- This schedule is to be prepared for each of the 7 years immediately prior to that under review.
- Insofar as practicable, the amounts appearing under the various line captions should reflect items similar to those shown on Exhibit 1, so that true comparisons may be made.
- If regular annual statements contain the information listed above, such statements may be submitted in lieu of this form.

SUPPLEMENTAL INFORMATION

To be submitted only by contractors who have not been previously renegotiated:

- If a corporation, State in which incorporated and date of incorporation; if a partnership or proprietorship, date of inception.
- A brief history of the business, at least since 1936.
- Balance sheets, as at the close of each of the contractor's fiscal years ended in 1936 to 1942, inclusive, or at the close of each year for which income data are submitted.
- Comparative statement of income for each of the contractor's fiscal years ended in 1936 to 1942, inclusive, or for such of those years as he was in business. (Exhibit 2.)
- A statement of cost of sales and selling and administrative expenses for the 3 latest prior years, similar in form to items 22 and 24 of Exhibit 1-a. (See Instructions for Exhibit 1-a.)
- A statement of salaries and other compensation of officers and employees for the 3 latest prior years (similar to that in Section J-1).
- Copy of Federal Income and Excess Profits Tax Return for the contractor's latest prior year, and a summary of any significant changes in taxable income since 1936, made as a result of examinations by the Bureau of Internal Revenue.
- Explanation of any differences between the subsidiaries and affiliates, consolidated in Exhibit 2, and those which are consolidated in the financial statements for the current year.

- A statement relative to each of the following:

- Basic changes in accounting methods since 1936;
- Revaluation of assets or recapitalization since 1936.

EXHIBIT 3

Name of Contractor.....
 Address..... Fiscal year ended.....
 Profit or loss relating to uncompleted portions of renegotiable contracts and subcontracts terminated during fiscal year ended, 194... (excluding "No Cost" settlements)
 1. Receipts and accruals (exclusive of those based on termination claims of own subcontractors)—Fixed Price Contracts... \$.....
 2. Costs and expenses (exclusive of claims of own subcontractors):
 (a) Direct material..... \$.....
 (b) Direct labor..... \$.....
 (c) Other..... \$.....
 3. Total..... \$.....
 4. Profit (loss) before taxes measured by income..... \$.....
 5. Receipts and accruals based on own subcontractors' claims (excluded above)..... \$.....

- It is estimated that of the costs and expenses shown by line 3 above, the amount deducted (or properly deductible) for Federal income tax purposes for the year in which the terminations occurred was..... \$.....

NOTE. If any cost-plus-fixed-fee contracts were terminated, submit information similar to the above for each such CPFF contract, specifying contract number and Government department or prime contractor involved.

Instructions. Lines 2 and 3 should include all costs and expenses reflected in claims relative to terminated portions of contracts, whether or not incurred in the year under review.

If exact figures as to the elements of cost and expenses are not available, estimates should be used and a brief explanation of their basis submitted.

It is recognized that the exact amount of own subcontractors' claims may not be available, and in this case an estimate will be accepted.

Additional data to be submitted with Exhibit 3. 1. A separate statement for each major termination included above showing (a) the Government agency or prime contractor involved, (b) the contract number, in termination of a prime Government contract, (c) the Government contract number (if known), in the termination of a subcontract, (d) the Government office handling the termination (for example, Detroit Ordnance District, War Department; Navy Bureau of Ships, Washington), (e) the status of each termination claim as of the close of the fiscal year covered by the statement above, and as of the date of filing Exhibit 3.

2. A reconciliation of accruals as of the close of the year under review with any subsequent settlement.

In submitting separate data on individual terminations, there may be omitted any termination involving a claim aggregating less than \$5,000, or representing less than 10 percent of the receipts and accruals shown in line 1 of Exhibit 3, whichever is greater. If the entire estimated value of the claim applicable to any specific terminated contract has not been accrued at the end of the year under review, an explanation should be furnished.

[RR 722]

2. Sections 1607.724 to 1607.724-5, inclusive, are amended to read as follows:

§ 1607.724 Construction contractors, architects, and engineers information and work sheet for renegotiation. [RR 724]

§ 1607.724-1 Instructions for preparation of construction contractors, architects, and engineers information and work sheet for renegotiation.

Budget Bureau No. 47-R200.2.
 Approval expires 12-31-45.

CONSTRUCTION CONTRACTORS, ARCHITECTS, AND ENGINEERS INFORMATION AND WORK SHEET FOR RENEGOTIATION

Information indicated in parts I and II herein is required for renegotiation under the Renegotiation Act. Any part of this information, which the contractor has submitted, either in the "Standard Form of Contractor's Report (for Construction Contractors, Architects, and Engineers)" or in connection with a previous renegotiation, may be omitted, provided reference is made to the manner, time, and place of its submission.

Also, if similar but not identical, information was submitted for the latest prior year, only changes need be stated. If any statements or information designated are inapplicable in a particular case, so state and give the reason therefor. In financial statements all cents may be omitted. Contractors should so indicate if they prefer to discuss with the renegotiation authorities the methods of segregation of gross earnings and allocation of costs and expenses. In such cases, all other information requested herein should be submitted.

All information and data (subject to qualifications, if any, specifically set forth) must be certified as true and correct.

PART I—INSTRUCTIONS FOR PREPARATION OF EXHIBITS

The enclosed exhibits are provided for use in this connection. If income data, separated as between renegotiable and nonrenegotiable business, be submitted in some other form, these exhibits should be used as guides.

Exhibit I

For an interpretation of items entering into renegotiable and nonrenegotiable business, respectively, refer to "Standard Form of Contractor's Report (for Construction Contractors, Architects, and Engineers)," Instructions 3 and 5.

Line 1. Gross earnings. Enter total dollar volume of all work done under prime contracts, subcontracts, and purchase orders and other earnings, segregated as indicated by the columnar headings. For lump-sum and unit-price contracts (column A) show total contract price. For cost-plus-fixed-fee contracts (column B) show total reimbursements and fees earned. Enter in column C the renegotiable portion of the gross earnings from equipment rentals and/or war end-use sales; and in column H the nonrenegotiable portion of such earnings. Support these amounts by a separate schedule showing the source of the gross earnings and the method used in segregating such earnings between renegotiable and nonrenegotiable business. On joint venture lump-sum and unit-price contracts enter proportionate share of the total contract price (column D). On joint-venture cost-plus-fixed-fee contracts enter proportionate share of the reimbursable costs and fees (column D). (Joint ventures are renegotiated as separate entities.) Column E is to be used only by contractors who report for tax purposes on other than the completed contract basis, but who prepare this exhibit I on a completed contract basis. Column G is to be used only for construction work, rentals, sales, and other gross earnings directly or indirectly with the departments and other agencies named in the act, but claimed to be exempt from renegotiation.

Line 2. Job costs. Enter in each column the job costs applicable to the corresponding contract earnings entered on line 1. For cost-plus-fixed-fee contracts (column B), include both reimbursable and direct nonreimbursable costs. Costs and expenses applicable to equipment rentals and/or war end-use sales, reported in columns C and H should be supported by a detailed schedule and explanation of the basis of allocation thereto. (This schedule is not required if exhibit IA is furnished.) For joint-venture contracts (column D) show proportionate share of costs.

Lines 5, 8 and 9. General and administrative expenses; other income; other deductions. Allocate to the classifications indicated for each column in accordance with the most equitable method in view of the particular situation.

Line 11. Income from management fees, commissions, etc. (net). Enter on this line in column F the renegotiable portion of the net amount (gross less applicable costs and expenses) received or accrued from management fees, commissions, etc.; in columns G and H the nonrenegotiable portion of such net earnings; and in column I the sum of the amounts entered in columns F and H, respectively. Support these amounts by a separate schedule as required by item 10 on back of exhibit I.

Lines 13, 14, 15, 16 and 17. Amounts on these lines are to be entered in column I only.

Supporting schedules. Furnish additional supporting schedules as directed on the back of exhibits I and IA (also IB if applicable).

PART II—GENERAL INFORMATION

A. One copy each of the following should be furnished for the year under review:

1. Balance sheets as of the close of the year under review and each of the three (3) preceding years, and related analyses of surplus or net worth.

2. Income statement as regularly prepared, for the year under review.

3. Federal income and excess profits tax returns filed for the year under review.

4. Detailed or long form audit report.

B. Information relative to affiliates. 1. A statement showing the names and address of parent, subsidiary, and affiliated companies and organizations, with a brief description of the character of their business, the nature and extent of their affiliation, and an expression of opinion as to whether or not, during the year under review, they had business subject to the Renegotiation Act, which should be consolidated for purposes of renegotiation.

2. If the financial statements are submitted on a consolidated basis, similar financial statements for each subsidiary included in such consolidation.

3. The basis of setting intercompany prices (including rentals) when affiliates or subsidiaries are not consolidated.

4. A statement of sales and rentals to and purchases and rentals from subsidiaries and affiliates.

Instructions. The terms "affiliates" and "affiliated companies and organizations" means all persons, firms or corporations under the control of or controlling, or under common control with the contractor.

C. A statement or schedule, amplified by adequate explanations, with respect to each of the following:

1. Amounts paid under profit sharing arrangements and included in costs and/or expenses in exhibit I;

2. The effect of raw material exemptions and "excess inventory" calculations provided for in subsection (1) of the Act;

3. Sales of materials and rentals of equipment to subcontractors entering into repurchases from them;

4. Interdepartmental sales not eliminated;

5. Any changes during the year under review in accounting methods, depreciation rates, and/or methods of inventory valuation;

6. Volume of renegotiable earnings from prime contracts with the subsidiaries of Reconstruction Finance Corporation (Defense Plant Corporation, Defense Supplies Corporation, Metals Reserve Co. and Rubber Reserve Co.), and the amount of profits therefrom. If profits on such earnings are not segregated, best estimate should be given.

NOTE. This statement will not be necessary in cases in which the total amounts received or accrued under such prime contracts do not exceed \$50,000;

7. Any bonus, pension trust, or other employee compensation plans in effect during the year under review, with comment as to how they are applicable to personnel for which compensation data are specifically supplied (officers, highly paid employees, etc.), showing the dates that such plans were adopted, and whether approved by the Bureau of Internal Revenue.

8. The latest taxable year examined by the Bureau of Internal Revenue and significant changes made in taxable income or invested capital as a result of examinations made by the Bureau since January 1, 1942;

9. Any changes in excess profits tax credit claimed or to be claimed under section 721 or 722 of the Internal Revenue Code;

10. A list of royalties in excess of \$25,000 paid or accrued during the year under review. Similarly, a list of royalties received in excess of \$25,000;

11. Any revaluation of assets or recapitalization during the year under review;

12. Stockholders owning over 10 percent of voting stock and stock holdings of officers and key executives;

13. Financial interest in any subcontractor, supplier of material, or any concern from which construction plant or equipment has been acquired or rented during the year under review;

14. If the reporting entity is a joint venture, a certified copy of the joint-venture agreement;

15. Schedule showing name, address, and amount paid or accrued to each person, other than full-time employees, for obtaining or attempting to obtain contracts with any of the departments named in the act, or subcontracts thereunder.

16. Any items of income, costs, and expenses applicable to claims pending against contracts completed during the year under review but not reported in exhibit I;

17. Financial assistance received, either from the Government or other contractors, including advances on contracts, direct loans, guarantees under V or V-T loans, etc.;

18. The statutory factors as set forth in section (a) (4) (A) of the 1943 Act, namely, efficiency, reasonableness of costs and profits, capital employed, extent of risk assumed, contribution to the war effort, character of business, and any other pertinent circumstances.

Instructions. Since each of the subjects listed above requires development in some detail for purposes of renegotiation, in order that full value can be given to the contribution to the conduct of the war, careful consideration should be given to the preparation of statements relative thereto. Under item 18, factual data only should be submitted, and generalizations avoided. Only those factors which apply to the year under review should be discussed.

[RR 724.1]

§ 1607.724-2 Exhibit I: Income statement.

Budget Bureau No. 49-R200.2
Approval expires 12/31/45.

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

EXHIBIT I—INCOME STATEMENT

For the fiscal year ended _____, 194_____

(Segregated as to renegotiable and nonrenegotiable business as defined under the Renegotiation Act)

Exact name of contractor _____

Address _____

We keep our books on the Cash ☐ Accrual ☐ basis; we report our operations for Federal Income Tax Purposes on the Completed Contract ☐ Percentage of Completion ☐ or Other (Describe) _____ ☐ basis; this Exhibit I is prepared on the Completed Contract ☐ Percentage of Completion ☐ or Other (Describe) _____ ☐ basis.

	Subject to renegotiation						Not subject to renegotiation		Total business
	Lump-sum and unit price contracts	Cost-plus-fixed-fee contracts	Equipment rental income and/or war end-use sales	Joint ventures (proportionate share)	Uncompleted contracts at end of year	Total subject to renegotiation	Contracts claimed to be exempt	Other	
	(Column A)	(Column B)	(Column C)	(Column D)	(Column E)	(Column F)	(Column G)	(Column H)	(Column I)
1. Gross earnings	\$	\$	\$	\$	\$	\$	\$	\$	\$
2. Job costs									
3. Gross profit									
4. Percent gross profit to job cost	%	%	%	%	%	%	%	%	%
5. General and administrative exp.									
6. Operating profit									
7. Percent operating profit to gross earnings	%	%	%	%	%	%	%	%	%
8. Other income									
9. Other deductions:									
(a) State taxes measured by income									
(b) Other									
10. Net profit									
11. Income from management fees, commissions, etc. (net)	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX				
12. Net income before provisions for Federal taxes on income and for extraordinary reserves	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX				
13. Provisions for Federal taxes on income (gross)	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	
14. Post-war refund of excess profits tax (credit)	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	
15. Net income before extraordinary reserves	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	
16. Prov. for extraordinary reserves	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	
17. Net income	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	\$

SUPPORTING SCHEDULES TO EXHIBIT I

Furnish all schedules checked (x) in the following list

Item

- 1 ☐ Exhibit IA or the equivalent.
- 2 ☐ Exhibit IB or the equivalent.
- 3 ☐ Schedule of direct nonreimbursable costs applicable to CPFF contracts. List by contracts the items and amounts included in job costs, on line 2 in column B.
- 4 ☐ Schedule of general and administrative expenses. List the items included in total amount shown on line 5 in column I. Explain fully the basis used in allocating to columns A to H, inclusive.
- 5 ☐ Schedule of salaries and all other compensation paid or accrued during the year under review and for each of the 5 preceding years:
 - (a) to all officers, partners, and sole proprietors.
 - (b) to other individuals and organizations receiving \$10,000 or more in the year under review. (List five highest only.)
 Show for each individual or organization: Name, title, or relationship, time devoted to business and total compensation.

If the rate of salary or other compensation has been increased subsequent to 3 October 1942 state whether approval has been obtained under the applicable provisions of the laws and regulations relating to wage and salary stabilizations.

6 ☐ Schedule of depreciation:

If any accelerated depreciation and/or amortization of emergency facilities authorized by Certificates of Necessity is included, show in each case amount and basis of computation.

7 ☐ Schedule of other income:

List items, grouped by major classifications, included in total amount shown on line 8, column I. Explain fully the basis used in allocating to columns A to H, inclusive.

8 ☐ Schedule of State taxes measured by income:

List by States amounts of taxes (including franchise taxes) measured by income included on line 9a, column I. Explain fully the basis used in allocating to columns A to H inclusive. Attach copies of all State income tax returns for the year under review. In the case of partnerships, furnish copies of each partner's State income tax returns.

9 ☐ Schedule of other deductions:

List items, grouped by major classifications, included in total amount shown on line 9b, column I. Explain fully the basis used in allocating to columns A to H inclusive.

10 ☐ Schedule of income from management fees, commissions, etc. (net). List by items the gross income, applicable costs and expenses, and the

resulting net amount shown on line 11, column I. Explain fully the sources of gross income and the basis of allocation of net income to columns F, G, and H.

11 ☐ Schedule of contracts terminated and in process of termination:

List the contracts included in exhibit I which were terminated during the year under review and in process of termination at its close, showing for each (a) contract number, (b) interested Department or service, (c) contract earnings, (d) related costs.

12 ☐ Reconciliation of exhibit I with Federal Income Tax Return.13 ☐ Reconciliation of exhibit I with profit and loss statement prepared from contractors' books.14 ☐ Break-down of gross contract earnings, by contracts, to support the amount shown in each column on line 1 of exhibit I. For amounts in columns A to E inclusive and column G, show prime and subcontract numbers, department or agency (if a subcontract, also name and address of prime contractor), description, location of work, and amount. For each contract or subcontract reported in column G, state basis of claim for exemption. For amount in column H, show name and address of client, location, description of work, and amount.

[RR 724.2]

§ 1607.724-3 Exhibit IA (Detail of Exhibit I).

Budget Bureau No. 49-R-200.2
Approval expires 12/31/45.

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

EXHIBIT IA

Detail of Exhibit I

Name of Contractor.....

	Lump sum and unit price contracts	Cost-plus- fixed-fee contracts	Equipment rental in- come and/or war end, use sales	Joint ven- tures (pro- portionate share)	Uncom- pleted contracts at end of year	Total sub- ject to renegotia- tion	Contracts claimed to be exempt	Other	Total business
	Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I
Job costs:									
1. Materials used, less discounts.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
2. Labor:									
(a) Direct, including foremen.....									
(b) Supervisory.....									
Total.....									
3. Subcontracts.....									
4. Construction plant and equipment:									
(a) Rentals paid to others.....									
(b) Rentals for use of own equipment, per books.....									
Total.....									
5. Miscellaneous job costs:									
(a) Bond premium, net.....									
(b) Insurance, net.....									
(c) Maintenance and repair of equipment.....									
(d) Gas, oil, and grease.....									
(e) Field office expense.....									
(f) Depreciation (describe).....									
(g) Other.....									
Total.....									
6. Total job costs.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
Explain basis of allocation:									
General and administrative expenses:									
7. Salaries of officers, partners, or owners.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
8. Other salaries.....									
9. Selling and advertising expenses.....									
10. Depreciation (describe).....									
11. Other operating expenses.....									
12. Total general and administrative expenses.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
Explain basis of allocation:									

SUPPORTING SCHEDULES TO EXHIBIT IA

Furnish all schedules checked (x) in the following list

Item

- 1 ☐ Schedule of work subcontracted, by classification assigned to the columns in exhibit IA, showing names and addresses of subcontractors, types and amount of work subcontracted, totals to agree with amounts on line 3 (subcontracts).
- 2 ☐ Schedule of Miscellaneous Job Costs—Other, line 5 (g). List items, grouped by major classifications, included in total amount shown in column I.
- 3 ☐ Schedule of General and Administrative Expenses—Other operating expenses, line 11. List items, grouped by major classifications, included in total amount shown in column I.
- 4 ☐ Schedule of materials, equipment, etc., if any, furnished by the Government or other contractors and used on renegotiable work during the year under review, by major classifications and amounts, indicating any such amounts included in exhibit I.

[RR 724.3]

§ 1607.724-4 Exhibit IB (Detail of gross earnings, costs and expenses by contracts).

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

EXHIBIT IB (DETAIL OF GROSS EARNINGS, COSTS AND EXPENSES) BY CONTRACTS

Budget Bureau No. 49-R-200.2
Approval expires 12/31/45

Name of contractor.....

	Contract number										Total
Gross contract earnings.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
Job costs (exhibit I, line 2):											
1. Materials used, less discounts.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
2. Labor:											
(a) Direct, including foremen.....											
(b) Supervisory.....											
Total.....											
3. Subcontracts.....											
4. Construction plant and equipment:											
(a) Rentals paid to others.....											
(b) Rentals for use of own equipment, per books.....											
Total.....											
5. Miscellaneous job costs:											
(a) Bond premium, net.....											
(b) Insurance, net.....											
(c) Maintenance and repair of equipment.....											
(d) Gas, oil, and grease.....											
(e) Field office expense.....											
(f) Depreciation (describe).....											
(g) Other.....											
Total.....											
6. Total job costs.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
Explain basis of allocation:											
General and admin. exp. (exhibit I, line 5):											
7. Allocated on direct basis.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
8. Allocated on prorata basis.....											
9. Total general and admin. expense.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
Explain basis of allocation:											

SUPPORTING SCHEDULES TO EXHIBIT IB

Furnish all schedules checked (x) in the following list

Item

- 1 ☐ Schedule of work subcontracted, by contracts, showing names and ad-

resses of subcontractors, types of work and amounts paid or accrued. Totals should agree with line 3, exhibit IB.

- 2 ☐ Schedule of Miscellaneous Job Costs—Other line 5 (g). List items, grouped by major classifications, to agree with total column on exhibit IB.

- 3 ☐ Schedule of materials, equipment, etc., if any, furnished by the Government or other contractors and used on renegotiable work during the year under review, by major classifications and amounts, indicating any such amounts included in exhibit I.

[RR 724.4]

§ 1607.724-5 Exhibit II: Comparative statement of income.

Budget Bureau No. 49-R-200.2
Approval expires 12/31/45.

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

EXHIBIT II—COMPARATIVE STATEMENT OF INCOME

[In even thousands of dollars]

To be submitted only if the information required for renegotiation purposes has not been previously submitted.

Name of contractor.....

	Years ended.....							
	19....	19....	19....	19....	19....	19....	19....	19....
1. Gross earnings:								
a. Lump sum and unit price work.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
b. Cost-plus-fixed-fee work.....								
c. Other earnings (describe).....								
Total.....								
2. Jobs costs.....								
3. Gross profit.....								
4. Percent of gross profit to job costs.....								
5. General and administrative expenses.....								
6. Operating profit.....								
7. Percent of operating profit to gross earnings.....								
8. Other income.....								
9. Other deductions.....								
10. Net profit before provisions for Federal taxes on income and for extraordinary reserves.....								
11. Provision for Federal taxes on income (gross).....								
12. Post-war refund of excess profits tax (credit).....								
13. Net profit before extraordinary reserves.....								
14. Provisions for extraordinary reserves.....								
15. Net income per books.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....

[RR 724.5]

3. Section 1607.725 is amended to read as follows:

§ 1607.725 Agreement extending time for completion of renegotiation.

-----, 194--
It is hereby stipulated and agreed by and between the United States of America and -----, a ----- with principal business office at ----- (hereinafter referred to as the "Contractor") that, in accordance with the provisions of clause (B) of the second sentence of subsection (c) (3) of the Renegotiation Act, the time within which a determination of the amount of excessive profits, if any, derived by the Contractor from contracts with the Departments and subcontracts for the Contractor's fiscal year ended ----- may be made by agreement or order, is hereby extended to and including ----- 194--.

(Name of Contractor)
By -----
(Title)

If a corporation add (corporate seal)

Attest:

Secretary

UNITED STATES OF AMERICA,
By -----
Acting on behalf of the War Contracts Price Adjustment Board created by the Renegotiation Act, under due delegations of authority made pursuant to subsection (d) (4) of the Renegotiation Act.

[RR 725]

SUBPART D—FORMS RELATING TO AGREEMENTS AND UNILATERAL DETERMINATIONS

1. In § 1607.741-2, the form in paragraph (6) (a) is amended and paragraph (6) (b) is added to read as follows:

§ 1607.741-2 Variations in the standard form. * * *

(6) *Clauses to be used in connection with renegotiation on a completed-contract basis in certain cases.* (a) Whenever renegotiation is conducted on a completed-contract basis pursuant to the request of the contractor in the form thereof which is set forth in § 1607.723, the following clause will be inserted in the renegotiation agreement:

Renegotiation of Construction Contracts and Subcontracts on Completed-Contract Basis. At the request of the contractor and with the consent of the renegotiating agency, the renegotiation concluded by this agreement was conducted on a completed-contract basis with respect to the construction contracts and subcontracts of the contractor completed or terminated within said fiscal year. A copy of said request dated ----- is attached hereto as Exhibit -----, incorporated herein by reference as though set forth herein, and the contractor hereby agrees to be bound by all of the undertakings and conditions set forth in said request.

(b) Whenever renegotiation is conducted on a completed-contract basis pursuant to the option given the renegotiating agency in the Request for Renegotiation on Completed-Contract Basis, executed by the contractor for a prior fiscal year (see § 1607.723), the following clause will be inserted in the renegotiation agreement:

Renegotiation of Construction Contracts and Subcontracts on Completed-Contract Basis. The renegotiation concluded by this renegotiation agreement was conducted on the completed-contract basis with respect to construction contracts and subcontracts completed or terminated within said fiscal year in accordance with the agreement contained in paragraph 3 of the Contractor's Request for Renegotiation on Completed-Contract Basis, dated -----

Exhibit ----- which sets forth the description, date entered into, and amount of each contract and subcontract covered by this renegotiation agreement, is attached hereto and incorporated herein by reference as though set forth herein.

SUBPART E—FORMS OF REPORT

1. Sections 1607.751-1 to 1607.751-4, inclusive, are amended to read as follows:

§ 1607.751-1 Form No. SPRA-O (Bi-weekly Progress Report of Departments),
SPRA-O DEPARTMENTAL BOARD BI-WEEKLY PROGRESS REPORT
(Fiscal year ----- assignments)¹
From: ----- Close of Friday -----
(Department)
To: Assignments & Statistics Branch WDPAB—Statistics & Progress Section
(²)
☐ 1. Gross Assignments received to date -----
☐ 2a. Less—Reassignments requested, pending at WDPAB -----
☐ 2b. Less—Reassignments approved, confirmed by WDPAB -----
3. Net—Assignments charged to this Department -----
4. Report of progress on net assignments in process:
a. Renegotiation not initiated -----
b. Statutory renegotiation begun -----
c. Bona fide oral agreements reached -----
d. Signed agreements in process -----
e. Sub-total (4a through 4d) -----
5. Report on completed assignments:
☐ 5a. Completed settlements -----
☐ 5b. Impasse cases—unilateral determinations (final) -----
☐ 5c. Completed clearances -----
Cancellations
☐ 5d-1. Requested—Pending at WDPAB -----
☐ 5d-2. Approved—Confirmed by WDPAB -----
5e Sub-total (5a through 5d-2) -----
6. Grand total (4e plus 5e should agree with line 3) -----

Number of
tabulation
forms
SPRAE-8
attached

Rev. 4 May 1945

¹ This form to be used for reporting on 1943 or 1944 fiscal year assignments.

² Before transmitting Bi-weekly Progress Report indicate in appropriate box the number of the last Transmittal Report to or from WDPAB—for reconciliation purposes.

[RR 751.1]

§ 1607.751-2 Instructions for preparation of Departmental Board Bi-weekly Progress Report (Form SPRA-O).

INSTRUCTIONS FOR THE PREPARATION OF DEPARTMENTAL BOARD BI-WEEKLY PROGRESS REPORT (SPRA-O)

(Fiscal Year 1943 or 1944 Assignments)

The Bi-weekly Progress Report SPRA-O to be submitted by the:

1. Navy Department—Price Adjustment Board.
2. Navy Department—Procurement Legal Division.
3. Maritime Commission.
4. Reconstruction Finance Corporation.
5. Treasury Department.
6. War Shipping Administration.

to the Assignments and Statistics Branch of the War Department Price Adjustment Board for the information of the War Contracts Price Adjustment Board and the Joint Price Adjustment Board is designed to show (a) the progress of renegotiation (items 4a to 4d) and (b) the degree of accomplishment on assignments completed (items 5a to 5d-2) and (c) as a reconciliation on net Assignments for which the Department is responsible as well as the end result on Completed Settlements and Clearances and Impasse Cases which have finally resulted in unilateral determinations.

Items Reported: (In order of lines on Form SPRA-O)

Line 1. Total gross assignments received to date:

(It will be noted this figure is never adjusted downward.)

Information Source:

Cumulative total on last Assignment Trans. Report SPRA I-1 received by you from WDPAB.

Line 2a. Less reassignment requested—Pending at WDPAB:

Information Source:

Plus—Cumulative Total on last Reassignment Request Trans. Report SPRA I-2a5d1.
Minus—Cumulative Total on last Disapproved Reassignment Trans. Report SPRA I-2ax5d1x.

Minus—Cumulative Total on last Approved Reassignment Trans. Report SPRA I-2b5d2.

Net—Reassignments requested—pending. Total to be reported on line 2a.

Less—Reassignments approved—confirmed by WDPAB:

Information Source:

Cumulative total on last Approved Reassignment Trans. Report SPRA I-2b5d2 delivered to you by WDPAB.

Net assignments charged to this department:

Information Source:

Line 1 Minus lines 2a and 2b.

Report of progress on net assignments in process.

Line 4a. Renegotiation not initiated.

Information Source:

Report to you from your Field Offices covering 1943 or 1944 assignments on which renegotiation has not begun.

Statutory renegotiation begun:

Information Source:

Report to you from your Field Offices covering 1943 or 1944 assignments on which renegotiation has begun but on which a bona fide oral agreement has not been reached with contractor.

Line 4c. Bona fide oral agreements reached:

Information Source:

Report to you from your Field Offices covering 1943 or 1944 assignments on which a bona fide oral agreement has been reached with contractor.

Line 4d. Signed agreements in process:

Information Source:

Report to you from your Field Offices plus completed cases under review in Office of Chief prior to delivery to WDPAB of Tabulation Report SPRAE-8 attached to Completed Settlement Transmittal Report SPRA I-5a.

Line 4e. Sub-total of lines 4a through 4d:

Line 5. Report on completed assignments.

Completed settlements:

Information Source:

Cumulative total on your last numbered Completed Settlement Transmittal Report SPRA I-5a already delivered to WDPAB with Tabulation Form SPRAE-8 for each Settlement attached.

Line 5b. Impasse cases—unilateral determinations:

Information Source:

Cumulative total on your last numbered Impasse Unilateral Determination Transmittal Report SPRA I-5b already delivered to WDPAB with Tabulation Form SPRAE-8 for each Unilateral Determination attached.

Line 5c. Completed clearances:

Information Source:

Cumulative total on your last numbered Completed Clearance Transmittal Report SPRA I-5c already delivered to WDPAB with Tabulation Form SPRAE-8 for each Completed Clearance attached.

Line 5d-1. Cancellations requested—pending at WDPAB:

Information Source:

Plus—Cumulative total on last Cancellation Request Trans. Report SPRA I-2a5d-1 Minus—Cumulative total on last Disapproved Cancellation Trans. Report SPRA I-2ax5d1x

Minus—Cumulative total on last Approved Cancellation Trans. Report SPRA I-2b5d2 Net—Cancellations requested—pending. Total to be reported on line 5d-1

Line 5d-2. Cancellations approved—Confirmed by WDPAB:

Information Source:

Cumulative total on last Approved Cancellation Trans. Report SPRA I-2b5d2 delivered to you by WDPAB.

Line 5e. Sub-total of lines 5a through 5d-2:

Line 6. Grand total (Line 4e plus line 5e should agree with line 3)

Rev. 4 May 1945

[RR 751.2]

§ 1607.751-3 Form No. SPRA I (Bi-weekly Progress Report of War Department Services).

SPRA I

WAR DEPARTMENT

BI-WEEKLY PROGRESS REPORT

(Fiscal Year Assignments) *

From: Close of Friday

To: Assignments & Statistics Branch WDPAB—Statistics & Progress Section

(1) 1. Gross Assignments received to date.

2a. Less—Reassignments requested, pending at WDPAB.

2b. Less—Reassignments approved, confirmed by WDPAB.

3. Net—Assignments charged to this Service.

4. Report of progress on net assignments with service:

a. Renegotiation not initiated.

b. Statutory renegotiation begun.

c. Bona fide oral agreements reached.

d. Signed agreements in process.

e. Sub-total (4a through 4d)

5. Reconciliation report on assignments delivered to WDPAB

Completed Settlements:

5a-1 For WDPAB Review

5a-2 For WDPAB Approval

5b Impasse Cases

Completed Clearances:

5c-1 For WDPAB Review

5c-2 For WDPAB Approval

Cancellations:

5d-1 Requested—Pending at WDPAB

5d-2 Approved—Confirmed by WDPAB

5e. Sub-total (5a through 5d)

6. Grand total (4e plus 5e should agree with line 3)

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* This form to be used for reporting on 1943 or 1944 fiscal year assignments.

Before transmitting Bi-weekly Progress Report to WDPAB indicate in appropriate box the number of the last Transmittal Report to or from WDPAB—for reconciliation purposes.

[RR 751.3]

§ 1607.751-4 Instructions for preparation of War Department Bi-weekly Progress Report (Form SPRA I).

INSTRUCTIONS FOR THE PREPARATION OF WAR DEPARTMENT BI-WEEKLY PROGRESS REPORT (SPRA I)

(Fiscal year 1943 or 1944 Assignments)

Submitted by the Services at the Close of Each Alternate Friday

To the War Department Price Adjustment Board

The Bi-weekly Progress Report SPRA I to be submitted by the Chiefs of Price Adjustment Sections to the War Department Price Adjustment Board is designed to show (a) the progress of renegotiation in each Service (Items 4a to 4d), (b) the degree of accomplishment on assignments delivered to the War Department Price Adjustment Board for appropriate action (Items 5a to d), and (c) as a reconciliation of the records of the Chief of Price Adjustment Section with the Assignments and Statistics Branch, War Department Price Adjustment Board. Those items contained in the report which require weekly reconciliation with the records of the Assignments and Statistics Branch have been provided boxes for the posting of the number of the last Transmittal Report on items delivered to or received from the War Department Price Adjustment Board.

Items Reported: (In order of lines on form SPRA 1)

- Line 1. *Total gross assignments received to date:*
(It will be noted that this figure is never adjusted downward)
Information Source:
Cumulative total on last Assignment Trans. Report SPRA I-1 received by you from WDPAB
Less—reassignments requested—pending at WDPAB:
Information Source:
Plus—Cumulative Total on last Reassignment Request Trans. Report SPRA I-2a5d1
Minus—Cumulative Total on last Disapproved Reassignment Trans. Report SPRA I-2a5d1x
Minus—Cumulative Total on last Approved Reassignment Trans. Report SPRA I-2d5d2
Net—Reassignments Requested—pending. Total to be reported on line 2a.
Less—reassignments approved—confirmed by WDPAB:
Information Source:
Cumulative total on last Approved Reassignment Trans. Report SPRA I-2b5d2 delivered to you by WDPAB
Net assignments charged to this service:
Information Source:
Line 1 Minus lines 2a and 2b
Report of progress on net assignments with service.
Line 4. *Renegotiation not initiated:*
Information Source:
Report to you from your Field Offices covering 1943 or 1944 Assignments on which renegotiation has not begun.
Statutory renegotiation begun:
Information Source:
Report to you from your Field Offices covering 1943 or 1944 Assignments on which renegotiation has begun but on which a bona fide oral agreement has not been reached with Contractor.
Bona fide oral agreements reached:
Information Source:
Report to you from your Field Offices covering 1943 or 1944 Assignments on which a bona fide oral agreement has been reached with Contractor.
Signed agreements in process:
Information Source:
Report to you from your Field Offices plus completed cases under review in Office of Chief of Service prior to delivery to WDPAB attached to Completed Settlements Trans. Report SPRA I-5abc
Sub-total of lines 4a through 4d:
Line 4e. *Reconciliation report on assignments delivered to WDPAB:*
Line 5. *Completed settlements for WDPAB review:*
Information Source:
Plus—Cumulative total on your last numbered Completed Settlements Trans. Report SPRA I-5abc covering completed settlements delivered to WDPAB for review
Minus—Cumulative total on last Returned Settlements Trans. Report SPRA I-5abxc
Net—Completed Settlements in hands of WDPAB for review. Total to be reported on line 5a-1

Line 5a-2. *Completed settlements for WDPAB approval:*

- Information Source:
Plus—Cumulative total on your last numbered Completed Settlements Trans. Report SPRA I-5abc covering Completed Settlements delivered to WDPAB for approval
Minus—Cumulative total on last Returned Settlements Trans. Report SPRA I-5abxc
Net—Completed Settlements in hands of WDPAB for approval. Total to be reported on line 5a-2
Impasse cases:
Information Source:
Plus—Cumulative total on your last numbered Impasse Trans. Report SPRA I-5abc delivered to WDPAB
Minus—Cumulative total on last Returned Impasse Trans. Report SPRA I-5abxc
Net—Impasse Cases in hands of WDPAB—Total to be reported on line 5b
Completed clearances for WDPAB review:
Information Source:
Plus—Cumulative total on your last numbered Completed Clearance Trans. Report SPRA I-5abc delivered to WDPAB for review
Minus—Cumulative total on last Returned Clearance Trans. Report SPRA I-5abxc
Net—Completed Clearances in hands of WDPAB for review. Total to be reported on line 5c-1
Completed clearances for WDPAB approval:
Information Source:
Plus—Cumulative total on your last numbered Completed Clearance Trans. Report SPRA I-5abc delivered to WDPAB for approval
Minus—Cumulative total on last Returned Clearance Trans. Report SPRA I-5abc
Net—Completed Clearances in hands of WDPAB for approval—Total to be reported on line 5c-2
Cancellations requested—Pending at WDPAB:
Information Source:
Plus—Cumulative total on last Cancellation Request Trans. Report SPRA I-2a5d1
Minus—Cumulative total on last Disapproved Cancellation Trans. Report SPRA I-2a5d1x
Net—Cumulative total on last Approved Cancellation Trans. Report SPRA I-2b5d2
Net—Cancellations requested—pending. Total to be reported on line 5d-1
Cancellations approved—Confirmed by WDPAB:
Information Source:
Cumulative total on last Approved Cancellation Trans. Report SPRA I-2b5d2 delivered to you by WDPAB
Sub-total of lines 5a-1 through 5d-2.
Line 5e. *Grand total (Line 4e plus line 5e should agree with line 3)*
Line 6.
Rev. 4 May 1945

[RR 751.3]

2. Section 1607.753 is amended to read as follows:

§ 1607.753 *Summary of financial data; spread sheet.*

Name and address of contractor				Renegotiated by peacetime products:	Approved by	Date approved	Spread sheet prepared by	Date reviewed
Corp. () Part. () Prop. ()	Net sales	Profit before taxes on income	% of net sales	Warlike products: A.—S. B.—S. C.—S. D.—S.				
Fiscal year ended.....1944				Character of operation				
Renegotiable:				Salaries: 1944 (); 1943 (); 1942 (); 1941 (); 1940 ()				
Fixed price before adjustment.....\$.....\$.....				Net profit after tax (incl P. W. CR)				
Amount recovered.....				Percent of net worth				
Fixed price after adjustment.....				Materials furnished by Govt. or customer for renegot. bus. not included in costs are \$.....				
CPFF before adjustment.....								
Amount recovered.....								
CPFF after adjustment.....								
Nonrenegotiable:								
State income tax allowed as credit.....	xxx		xxx					
(Dis)allowances, net.....	xxx		xxx					
Other (debits), or credits, net.....	xxx		xxx					
Total business before adj.....								
Total business after adj.....								
1943 renegot. fixed price before adj.....								
1943 renegot. fixed price after adj.....								
1943 total after renegotiation.....								
1942 renegot. fixed price before adj.....								
1942 renegot. fixed price after adj.....								
1942 total after renegotiation.....								
1941 total.....								
1940 total.....								
1939-39 average.....								

Net worth, as of beg. 1936-39 average \$.....; 1940 \$.....; 1941 \$.....

Renegotiable business does not include terminated contracts in substantial amount.

Important factors in the settlement:

This information is furnished to price adjustment agencies for use in statutory renegotiation.

A dj. renegot. basic profit to alloc. beg. net worth; 1942.....%; 1943.....%; 1944.....%

[RR 753]

SUBPART I—ADDRESSES

1. In § 1607.791-2 the first and second paragraphs are amended to read as follows:

§ 1607.791-2 *Members.*

Maurice Hirsch, Colonel, G. S. C., Chairman (War Department), Room 3D 634, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 74427.

C. G. Parker, Jr., Colonel, U. S. M. C., Vice Chairman (Navy Department), Room 102, Premier Building, 718 18th Street, N. W., Washington 25, D. C., Tel. Republic 7400, Ext. 5169 or 5644.

2. In § 1607.792 the second, third, and fifth paragraphs are amended to read as follows:

§ 1607.792 *Departmental Price Adjustment Boards.*

Navy Price Adjustment Board, Attention: C. G. Parker, Jr., Colonel, U. S. M. C., Chairman, 718 18th Street, N. W., Washington 25, D. C., Tel. Republic 7400, Ext. 5169 or 5644. Services and Sales Renegotiation Section, Office of Procurement and Material—Navy Department, Washington 25, D. C., Tel. Republic 7400, Ext. 61468.

Maritime Commission Price Adjustment Board, Attention: Mr. John R. Paull, Room 512, Electrical Workers Building, 1200 15th Street, N. W., Washington 5, D. C., Tel. Executive 3340, Ext. 608.

3. In § 1607.793-1 the last paragraph is amended to read as follows:

§ 1607.793-1 *Headquarters.*

Major George P. Steinmetz, Deputy War Department Power Procurement Officer, Utilities Price Adjustment Section, Office Chief of Engineers, 5256 New War Department Building, Washington 25, D. C., Tel. Republic 6700, Ext. 79994.

[RR 793.11]

4. In § 1607.797-2 the third paragraph is amended to read as follows:

§ 1607.797-2 *Field Offices of Price Adjustment Sections.*

10 Post Office Square, Boston 9, Massachusetts, Tel. Liberty 8000.

5. Section 1607.798-1 is amended to read as follows:

§ 1607.798-1 *Headquarters.*

Colonel Stuart M. Weaver, War Department Power Procurement Officer, 5105 New War Department Building, Washington 25, D. C., Tel. Republic 6700, Ext. 79484.

Major George P. Steinmetz, Deputy War Department Power Procurement Officer, Utilities Price Adjustment Section, Office Chief of Engineers, 5256 New War Department Building, Washington 25, D. C., Tel. Republic 6700, Ext. 79994.

[RR 798.11]

PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART D—EXEMPTIONS

In paragraph (a) of § 1608.845-2 subparagraph (c) is added and subparagraph (e) is amended to read as follows:

§ 1608.845-2 *Fiscal years ending after June 30, 1944 and prior to July 1, 1945.*
(a) * * *

(c) Textile bags (made of burlap or cotton).

(e) Paper of the following types and grades, sold by paper mills: Groundwood and free sheet uncoated and coated book papers (including but not limited to free sheet and groundwood offset, envelope and tablet papers); Mimeograph and duplicating (both groundwood and free sheet); Bond, writing and ledger, including opaque circular; Manifold and onion skin; Cover and text; Index and Bristol; Map paper (except wet-strength map paper); Post card paper; Blue print base stock.

[F. R. Doc. 45-8625; Filed, May 22, 1945; 9:40 a. m.]

Chapter XV—Board of War Communications

[Order 25-E]

PART 1720—TELEGRAPH SERVICE

Whereas, the Board of War Communications on July 3, 1942, requested the Federal Communications Commission to investigate the service being rendered in the telegraph field; and

Whereas, the Commission by its Order No. 103 dated July 7, 1942, undertook such an investigation into telegraph service and has forwarded its report together with its recommendations; and

Whereas, the Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that immediate steps be taken to the end that the domestic telegraph industry shall be more closely geared to the war effort;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 9089 of 6 March 1942, prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications; it is hereby ordered as follows:

Sec.

- 1720.1 Speed of service; office drag; routing time.
- 1720.2 Priorities for the handling of traffic.
- 1720.3 Standards for minimum use to control installation of teleprinter equipment.
- 1720.4 Leasing of telegraph circuits.
- 1720.5 Elimination of unnecessary circuits, facilities, and offices.
- 1720.6 Discontinuance of non-telegraphic services.
- 1720.7 Discontinuance of holiday greeting and congratulatory messages.
- 1720.8 Franks, deadhead and free service messages.
- 1720.9 Periodic reports of current state of telegraph service.

AUTHORITY: §§ 1720.1 to 1720.9, inclusive, issued under E.O. 9089, 3 CFR, Cum. Supp.

§ 1720.1 *Speed of service; office drag; routing time.* The domestic telegraph carriers should strive to attain the following service objectives in the handling of full-rate messages:

(a) In each office the office drag (the interval between the time a message first reaches the office [filing time or digit time as the case may be] and the completion of transmission at that office) shall average no more than seven minutes for at least 95% of the messages received in such office each hour and such office drag shall not exceed 15 minutes for any message in such 95%.

(b) Present routing times for business messages to be delivered by messenger shall be reduced 33 1/3%.

§ 1720.2 *Priorities for the handling of traffic.* The Federal Communications Commission is requested and authorized to develop a plan for revising the present system of priorities for the handling of urgent essential traffic, both governmental, and non-governmental, and to report its specific recommendations to the Board.

§ 1720.3 *Standards for minimum use to control installation of teleprinter equipment.* The Federal Communications Commission is requested and authorized to prepare standards of minimum use to control present and future installations of teleprinter equipment for telegraph users including exemptions for equipment which serves a military necessity or a vital public need which cannot otherwise be met, and to report such standards to the Board together with its specific recommendations for regulation of such installations.

§ 1720.4 *Leasing of telegraph circuits.* The Federal Communications Commission is requested and authorized to formulate basic principles for regulating the present and future leasing of telegraph circuits to the end that no needed facilities shall be used for non-essential purposes, and to report such principles to the Board together with its specific recommendations for regulation of such leasing.

§ 1720.5 *Elimination of unnecessary circuits, facilities, and offices.* The Federal Communications Commission is requested to study the possibilities for the elimination of unnecessary circuits, facilities and offices and to report to the Board its recommendations for closure of any such specific circuits, facilities or offices.

§ 1720.6 *Discontinuance of non-telegraphic services.* Effective December 22, 1942, domestic telegraph carriers shall discontinue all non-telegraphic services including but not limited to, errand, distribution, remittance, installment payments, shopping, and messenger service (except messenger service to telephone companies to call non-subscribers to the telephone), sale of traveler's checks, sale of mail money orders, and acceptance of express packages.

§ 1720.7 *Discontinuance of holiday greeting and congratulatory messages.* Effective December 22, 1942, no domestic telegraph carrier shall accept for trans-

mission any message both originating at and addressed to points within the continental United States of felicitation or congratulation, including but not limited to, greetings for Christmas, New Year, Easter, Father's Day, Jewish New Year, Mother's Day, Thanksgiving, Valentine's Day, congratulations on the birth of a child, graduations, weddings, anniversaries and birthdays: *Provided, however,* That the provisions of this paragraph shall not apply to messages to or from members of the armed forces or Merchant Marine of the United States or its allies.

§ 1720.8 *Franks, deadhead and free service messages.* The Federal Communications Commission is requested and authorized to develop a plan for the curtailment of the use of franks and deadhead messages and the elimination of "free service" messages and to report its specific recommendations to the Board.

§ 1720.9 *Periodic reports of current state of telegraph service.* Three months after the date of this part and periodically each three months thereafter the Commission is requested to report to the Board the current state of service being rendered by the telegraph industry together with any recommendations for improvement of such service in the interest of the war effort.

Subject to such further order as the Board may deem appropriate.

NOTE: This order is identical to Order No. 25-D (10 F.R. 5379) except for the amendment to the proviso in § 1720.7.

BOARD OF WAR COMMUNICATIONS,
H. C. INGLES,
Major General, Acting Chairman.

Attest: May 17, 1945.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 45-8849; Filed, May 25, 1945;
10:30 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 277]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR THE RIO GRANDE CANALIZATION PROJECT

By virtue of the authority vested in the President by section 1 of the act of May 13, 1924, c. 153, 43 Stat. 118, as amended by the act of August 19, 1935, c. 561, 49 Stat. 660, by the act of August 29, 1935, c. 805, 49 Stat. 961, and by the act of June 4, 1936, c. 500, 49 Stat. 1463, and pursuant to Executive Order No. 9337 of April 24, 1943, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C. title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leas-

ing laws, and reserved for the use of the Department of State in connection with the Rio Grande Canalization Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 S., R. 2 E.,

Sec. 29, lot 1;

Sec. 30, lots 5, 6, 7, and 8;

Sec. 31.

T. 25 S., R. 2 E.,

Sec. 4, lot 5;

Sec. 5, lots 4, 10, 11, and 12;

Sec. 6, lot 1 and N 1/2 NE 1/4 and NE 1/4 NW 1/4.

The areas described aggregate 1,145.33 acres.

The order of the Secretary of the Interior of July 11, 1935, establishing New Mexico Grazing District No. 3, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

ABE FORTAS,

Acting Secretary of the Interior.

MAY 14, 1945.

[F. R. Doc. 45-8845; Filed, May 25, 1945;
9:32 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4483, as amended, 49 Stat. 1544 (6 U.S.C. 375, 391a, 392, 404, 481, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

EQUIPMENT; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.3-1 (h) is amended to read as follows:

§ 33.3-1 *Tank ship lifeboat equipment; ocean and coastwise—T/OC.*
* * *

(h) *Flashlight.* On and after September 1, 1945, one approved type I, size No. 3 flashlight complying with current U. S. Coast Guard Specification for Flashlights, Electric, Hand.¹ No battery cell shall remain in the flashlight beyond the serviceability date appearing on the cell or its jacket. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant, United States Coast Guard. Approved flashlights not conforming to the above referred to specification which are on board vessels prior to September 1, 1945 may be continued in service provided they are in good and serviceable condition; when replacement of these flashlights is effected, said flashlights shall comply with the requirement contained in this regulation.

¹ A copy of the specifications is on file in the office of the FEDERAL REGISTER, and copies may be obtained upon request from the Commandant (EMM), United States Coast Guard Headquarters, Washington 25, D. C., or any District Coast Guard Officer.

Section 33.3-2 (f) is amended to read as follows:

§ 33.3-2 *Tank ship lifeboat equipment; Great Lakes—T/L.* * * *

(f) *Flashlight.* (Optional, see Distress Lights.) On and after September 1, 1945, one approved type I, size No. 3 flashlight complying with current U. S. Coast Guard Specification for Flashlights, Electric, Hand.¹ No battery cell shall remain in the flashlight beyond the serviceability date appearing on the cell or its jacket. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant, United States Coast Guard. Approved flashlights not conforming to the above referred to specification which are on board vessels prior to September 1, 1945, may be continued in service provided they are in good and serviceable condition; when replacement of these flashlights is effected, said flashlights shall comply with the requirement contained in this regulation.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.11 (i) is amended to read as follows:

§ 59.11 *Lifeboat equipment.* * * *

(i) *Flashlight.* On and after September 1, 1945, one approved type I, size No. 3 flashlight complying with current U. S. Coast Guard Specification for Flashlights, Electric, Hand.¹ No battery cell shall remain in the flashlight beyond the serviceability date appearing on the cell or its jacket. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant, United States Coast Guard. Approved flashlights not conforming to the above referred to specification which are on board vessels prior to September 1, 1945, may be continued in service provided they are in good and serviceable condition; when replacement of these flashlights is effected, said flashlights shall comply with the requirement contained in this regulation.

Section 59.11a is amended by deleting the third undesignated subparagraph of paragraph (b) and by deleting paragraph (c) and substituting the following in lieu thereof:

§ 59.11a *Motor lifeboat equipment.* * * *

(b) *Searchlight.* * * *

The source of power for the searchlight shall be capable of operating the light intermittently for a period of 6 hours and continuously for a period of 3 hours. Where the power for the radio equipment and the searchlight are derived from the same source, this shall be sufficient to provide for the adequate working of both appliances.

¹ A copy of the specifications is on file in the office of the FEDERAL REGISTER, and copies may be obtained upon request from the Commandant (EMM), United States Coast Guard Headquarters, Washington 25, D. C., or any District Coast Guard Officer.

(c) *Radio installation.* The radio installation shall comply with the requirements of the Federal Communications Commission for this purpose.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.9 (i) is amended to read as follows:

§ 60.9 *Lifeboat equipment.* (See § 59.11, as amended, which is identical with this section.)

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.14 (f) is amended to read as follows:

§ 76.14 *Equipment for lifeboats on vessels of classes (a), (b), (c), (d) and (e).* * * *

(f) *Flashlight.* (Optional, see paragraph (e) of this section.) On and after September 1, 1945, one approved type I, size No. 3 flashlight complying with current U. S. Coast Guard Specification for Flashlights, Electric, Hand.¹ No battery cell shall remain in the flashlight beyond the serviceability date appearing on the cell or its jacket. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant, United States Coast Guard. Approved flashlights not conforming to the above referred to specification which are on board vessels prior to September 1, 1945 may be continued in service provided they are in good and serviceable condition; when replacement of these flashlights is effected, said flashlights shall comply with the requirement contained in this regulation.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.6a (a) (5) is amended to read as follows:

§ 153.6a *Additional equipment for lifeboats on seagoing barges of 100 gross tons or over.* (a) * * *

(5) *Flashlight and batteries.* On and after September 1, 1945, one approved type I, size No. 3 flashlight complying with current U. S. Coast Guard Specification for Flashlights, Electric, Hand.¹ and three extra sets of approved battery cells in a waterproof package. No battery cell shall remain in the flashlight or waterproof package beyond the serviceability date appearing on the cell or its jacket. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant, United States Coast Guard. Approved flashlights not conforming to the above referred to specification which are on board vessels prior to September 1, 1945 may be continued in service provided they are in good and serviceable condition; when replacement of these flash-

lights is effected, said flashlights shall comply with the requirement contained in this regulation.

Section 153.7a (o) is amended to read as follows:

§ 153.7a *Equipment for life rafts approved on and after March 15, 1943.* * * *

(o) *Flashlight and battery.* On and after September 1, 1945, one approved type I, size No. 3 flashlight complying with current U. S. Coast Guard Specification for Flashlights, Electric, Hand.¹ and one extra set of approved battery cells in a waterproof package. No battery cell shall remain in the flashlight or waterproof package beyond the serviceability date appearing on the cell or its jacket. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant, United States Coast Guard. Approved flashlights not conforming to the above referred to specification which are on board vessels prior to September 1, 1945 may be continued in service provided they are in good and serviceable condition; when replacement of these flashlights is effected, said flashlights shall comply with the requirement contained in this regulation.

Section 153.13 is amended to read as follows:

§ 153.13 *Emergency flashlights.* On and after September 1, 1945, there shall be provided for each licensed officer and for each person while on watch in the engine-room department on ocean and coastwise vessels one approved type I, size No. 2 flashlight complying with current U. S. Coast Guard Specification for Flashlights, Electric, Hand.¹ A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant, United States Coast Guard. Approved flashlights not conforming to the above referred to specification which are on board vessels prior to September 1, 1945, may be continued in service provided they are in good and serviceable condition; when replacement of these flashlights is effected, said flashlights shall comply with the requirement contained in this regulation.

Dated: May 24, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-8853; Filed, May 25, 1945; 10:47 a. m.]

Chapter III—War Shipping Administration

[G. O. 49]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

UNIFORM BOOKING AGREEMENT

Whereas it is deemed necessary and appropriate in the exercise of the func-

tions, heretofore conferred upon the Administrator, War Shipping Administration, relating to the operation of vessels that, in trades and for commodities where booking agreements are customary, a uniform booking letter or agreement be used on all vessels, the operation of which is within the control of the Administrator. Now therefore it is hereby ordered that:

§ 303.45 *Booking Agreement "Warshipbook (dry cargo) 6/15/45."* (a) All operators of vessels owned by or under bareboat or time charter to or operated by or for the account of the United States of America shall on or after June 15, 1945 use or cause to be used the Uniform Booking Agreement designated Warshipbook (dry cargo) which shall be in the form herein provided on all shipment of bulk dry commodities carried on berth terms where booking letters or agreements have heretofore been or shall hereafter become customarily used.

(b) Agents operating vessels in trades where booking letters or agreements are or may be customary shall print and maintain a supply of uniform booking agreements. They shall be printed on a single sheet of paper. The statement of the contract (introduction) and Part I shall be printed on one side and the terms and conditions of Part II shall be printed on the reverse side. Operators may include their name, post-office address and other similar information or details.

(c) Operators may, if authorized by the Director of Traffic, War Shipping Administration incorporate among the special provisions in Part I of the booking agreements any special provision appropriate to the trade, commodity or route. Special provisions may also be authorized by traffic regulations, traffic bulletins, rate orders, and rate advices.

(d) The right is reserved to approve other forms of booking agreements, similar contracts or special provisions for insertion in this form or in said other forms, as the Director of Traffic may deem appropriate.

(e) Warshipbook (dry Cargo) 6/15/45 shall be in the following form:

BOOKING AGREEMENT

(Not Negotiable)

Warshipbook (Dry Cargo)
6/15/45

Contract No. _____

Booking agreement made and executed as of the _____ day of _____ 194____ by and between the United States of America, acting by and through the Administrator, War Shipping Administration, Owner/Chartered Owner (hereinafter called the "Owner") of the Vessel named below (hereinafter called the "Vessel") and _____ (hereinafter called the "Shipper").

The Shipper agrees to supply and the Owner agrees to transport the cargo named below in accordance with all the terms, conditions, exceptions and provisions contained or incorporated in or stamped on WARSHIP-LADING, including all special and port clauses, and in the within Agreement.

This Agreement consists of Part I and Part II. In the event of any conflict between this Agreement and the bill of lading, the terms of this Agreement shall prevail to the extent of such conflict. In the event of any conflict between the provisions of Part I and

Part II of this Agreement, the provisions of Part I shall, unless otherwise provided, prevail to the extent of such conflict.

It is agreed that the provisions of this Agreement shall be subject to all existing and future Security Orders, Rules and Regulations promulgated by the War Shipping Administration pertaining to secrecy of shipping information and the Shipper agrees to abide by such Orders, Rules and Regulations.

Warning: Disclosure of the contents of this document to any unauthorized person will involve an offense against the Espionage Act of the United States (50 U.S.C. 31 and 32 as amended) or against The Official Secrets Act, 1911 and 1920 or the Defense (General) Regulations of the United Kingdom.

PART I

- A. Vessel: SS/MS _____
- B. Loading port: _____
- C. Approximate arrival date: (Subject to Clause 1 of Part II): _____
- D. Supplier: _____
- E. Commodity and Quantity: _____
_____ tons of _____ lbs., _____ (%) per cent more or less, vessel's option, declarable on arrival of vessel at loading port. (See Clause 1 of Part II)
- F. Loading, rate of loading _____
- G. Rate of freight _____, subject to the applicable War Shipping Administration Rate Orders or Rate Advices in effect at the date of issuance of the bill of lading. In the event of an increase or reduction between the rate of freight specified herein and the rate in effect at the date of the issuance of the bill of lading, an adjustment will be made. If no Rate Order or Rate Advice is applicable to the commodity, its rate of freight shall be in accordance with the tariff on file with the United States Maritime Commission.
- H. Discharge range or area _____
The Shipper requests that the Vessel discharge at _____ and at berth _____ (Port) _____ See Clause 5 (a) of Part II.
- I. Discharge, rate of discharging _____
- J. Demurrage rate _____
- K. Commission: Commission or brokerage, if any, may be payable by the owner in accordance with, and to the extent of applicable regulations of the War Shipping Administration to _____
- L. Special conditions _____

In accepting this Agreement, whether signed or not, the Shipper on behalf of itself, the supplier, receiver, consignee, owner of the goods and holder of the bill of lading agrees to comply with and be bound by all the terms, conditions, exceptions and provisions contained or incorporated in this Agreement.

UNITED STATES OF AMERICA,
WAR SHIPPING ADMINISTRATION,

By _____ Agents,
Accepted by _____
Title _____
As Agents for _____
Date _____

PART II

1. This Agreement is contingent upon the safe arrival of the vessel in loading port in safe condition to load cargo. The owner of the vessel shall not be liable for any loss, damage, expense or other consequence whatsoever in the event the vessel is delayed in arriving or is prevented or fails to arrive at the loading port or ports or fails to load the

cargo or any part thereof by reason of any cause or causes whatsoever. The owner reserves the right to nominate another vessel or vessels to lift the cargo but is not obligated to furnish any substitute vessel or vessels.

2. *Loading port.* (a) Unless expressly provided among the Special Provisions contained in Part I that the vessel may load safely aground, the shipper warrants that any berth or loading place as may be designated by him shall have sufficient depth of water at all time and stages of the tide to safely accommodate the vessel and that the vessel can proceed to, remain thereat and proceed therefrom always safely afloat.

(b) The vessel shall load as fast as she can but not less than at the rate of loading specified in Part I.

(c) Time for loading shall commence at the next working period after notice that the vessel is ready for loading, whether in berth or not. The notice referred to may be tendered by letter, telegram or phone whether or not during usual business hours and the dispatch of such notice shall constitute notice whether or not received. The shipper declares the party named below as the person to whom such notice shall be tendered. Where delay is due to routing instructions, bunching of vessels in convoy, port priorities or preferences to other vessels or other similar causes resulting from orders of the United States or of any other government or of the owner over which the shipper has no control, the owner reserves the right to exclude all or any part of the time the vessel is so delayed from the lay time if in the owner's judgment which shall be final and conclusive the circumstances of the delay warrant such action.

(d) Loading expenses from the end of the ship's tackle or shore crane bucket shall be for the account of the vessel. Unless otherwise specified in Part I, all other expenses of whatsoever nature and kind in connection with loading or bringing the goods alongside the vessel shall be for the account of the shipper.

The notice of readiness referred to shall be tendered to:

Name _____
Address _____

3. *Freight.* Freight as per Clause 15, Warshiploading.

4. *Dead freight.* Should the cargo or the quantity of cargo specified in Part I not be supplied, the vessel may at the owner's option, with or without notice, proceed on her voyage. In that event, dead freight shall be paid upon the quantity specified in Part I or upon the difference between the quantity loaded and the quantity specified in Part I. If strikes, lockouts or stoppages of labor, not caused or promoted by the shipper, prevent the shipper from bringing the cargo, or any part thereof, which is available in port at the place of loading to alongside the vessel, shipper shall not be liable for dead freight.

5. *Port of discharge.* (a) Because of wartime conditions the cargo is not booked for a specified port or berth of discharge and the carrier expressly reserves the right and liberty to discharge at any port within the range of ports specified in Part I and at any berth at any such port and such discharge shall be a complete performance and fulfillment of this contract. In addition all the liberties, rights and immunities contained in Warshiploading, including but without limitation, Clauses 3, 4, 5 and 20, are expressly reserved.

(b) Should the vessel, with the approval of the owner, proceed to and discharge at any berth nominated by the shipper or receiver which are other than general cargo discharging berths, vessel is to be free from wharfage.

(c) Unless expressly provided among the special provisions contained in Part I that the vessel may discharge safely aground, the

¹ Insert five or ten as per trade custom.

shipper and/or the receiver warrant that any berth or discharging place as may be designated by him shall have sufficient depth of water at all times and stages of tide and weather to safely accommodate the vessel and that the vessel can proceed to, remain thereat and proceed therefrom always safely afloat.

(d) The receiver shall take cargo from the end of the ship's tackle in sufficient quantity to permit the vessel to discharge as fast as she can but not less than at the rate specified in Part I.

(e) Time for discharging shall commence at the next working period after notice that the vessel is ready, whether in berth or not. The notice referred to may be tendered by letter, telegram or phone, whether or not during usual business hours and the dispatch of such notice shall constitute notice whether or not received. The shipper or receiver designates the party named below as the person to whom notice shall be tendered. Where delay is due to routing instructions, bunching of vessels in convoy, port priorities or preferences to other vessels or other similar causes resulting from orders of the United States or of any other government or of the owner over which the receiver has no control, the owner reserves the right to exclude all or any part of the time the vessel is so delayed from the laytime if, in the owner's judgment, which shall be final and conclusive, the circumstances of the delay warrant such action.

(f) Discharging expenses to the end of the ship's tackle or to the end of the shore crane boom shall be for the account of the vessel. Unless otherwise specified in Part I all other expenses of whatsoever nature and kind in connection with discharging or taking the goods from alongside the vessel shall be for the account of the shipper or receiver.

The notice of readiness referred to shall be tendered to:

Name _____
Address _____

6. *Laytime, demurrage and overtime, etc.*
(a) Laytime for loading and discharging shall be computed by dividing the quantity of cargo to be loaded or discharged by the rate of loading and the rate of discharging, respectively, as stated in Part I. Laydays shall not be reversible. Time lost by any act or omission of the stevedore, if employed by the vessel, shall not count as used laytime.

(b) Demurrage at the rate specified in Part I shall be paid by the shipper or receiver for all time that loading, discharging, or used laytime exceeds the laytime as computed in accordance with the preceding paragraph. If the stevedore is employed by the vessel, demurrage shall not accrue unless cargo is not brought alongside or taken away from alongside the vessel in sufficient quantities to permit the vessel to load or discharge as provided in Clauses 2 (b) and 5 (d).

(c) Notwithstanding any of the provisions in paragraphs (a) and (b) above, the owner reserves the right to have loading and discharging performed as fast as the vessel can load or discharge during continuously running days, Sundays and holidays included. If the shipper or receiver refuses or neglects for reasons due to its own fault to bring cargo alongside or take away cargo in sufficient quantity so that the vessel can load or discharge continuously as fast as she can, liquidated damages in the nature and at the rate of demurrage shall be paid for each hour of work ordered which is not performed.

(d) Where the owner orders loading or discharging to be performed continuously and overtime is incurred, overtime expense for stevedore labor and crane operators, if employed, for loading cargo from alongside the vessel at the end of ship's tackle or for dis-

charging cargo to the end of the ship's tackle shall be for the owner's account. Overtime paid by the owner shall not include expenses in connection with shore lights, backpiling or moving cargo beyond the ordinary point of rest from the end of ship's tackle. Overtime payable by the vessel shall include the difference between overtime rate of pay and the usual regular working hour straight time rate of pay only. All overtime in placing cargo alongside or taking it away from alongside the vessel shall be for the shipper's or receiver's account.

(e) If strikes, lockouts or stoppages of labor not caused or promoted by the shipper or receiver prevent the shipper from bringing cargo or any part thereof which is available in port at the place of loading to alongside the vessel or prevent the receiver from taking cargo from alongside the vessel, the time so lost shall not count as laytime.

7. *Stevedoring.* At loading or discharging ports the owner shall have the option of appointing stevedores.

8. *Assignment.* This Agreement is not transferable and shall be executed in triplicate. Any deletion, erasure, cancellation or alteration except by mutual consent in writing shall be void.

9. *Bills of lading.* It is agreed that the following clause shall appear in the bills of lading covering the cargo herein contracted for. It is further agreed that in the event the said clause is not so inserted, the bill of lading shall be read as if said clause were included among its terms.

Subject to all the terms and provisions contained or incorporated in the Booking Agreement between War Shipping Administration and _____ dated _____

10. *Definitions.* Unless otherwise clearly indicated by the context, the word "shipper" when used herein shall include the shipper, supplier, and its and/or their agents, representatives, employees and nominees. The word "receiver" shall include the receiver, consignee, owner of the goods, holder of the bill of lading and its and/or their agents, representatives, employees and nominees.

(E.O. 9054, 3 CFR, Cum Supp.)

[SEAL]

E. S. LAND,
Administrator.

MAY 22, 1945.

[F. R. Doc. 45-8837; Filed, May 24, 1945;
3:45 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[3d Rev. S. O. 180]

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of May, A. D. 1945.

It appearing, that refrigerator cars are being delayed unduly while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading and unloading, thus impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of rail-

road equipment and congestion of traffic; it is ordered, that:

Demurrage charges on refrigerator cars. (a) (1) When demurrage detention occurs, for which charges are or may be lawfully provided by tariffs (subject to modification by service orders), on a refrigerator car held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading, the demurrage charges shown in paragraph (a) (2) of this order shall be applicable in lieu of such tariff charges.

(2) Demurrage charges shall be \$2.20 per car per day or a fraction thereof for the first two (2) days; \$5.50 per car per day or a fraction thereof for the third day; \$11 per car per day or a fraction thereof for the fourth day; \$22 per car per day or a fraction thereof for the fifth day; and \$44 per car per day or a fraction thereof for each succeeding day.

(b) *Application.*—(1) *Average agreements.* Detention occurring on and after the effective date of this order on all refrigerator cars held for loading or unloading shall not be included in, or computed on the basis of, any average agreement but, except as otherwise provided in this order or in the orders set forth in paragraph (b) (3), said refrigerator cars shall otherwise be subject to the car demurrage rules and charges set forth in tariffs lawfully on file with this Commission.

(2) *Intrastate.* The provisions of this order shall apply to intrastate as well as interstate traffic.

(3) *Service orders.* The provisions of this order shall not be construed to affect the provisions of Service Order No. 70 (8 F.R. 8515) of February 3, 1942, as amended (8 F.R. 8515) or Service Order No. 70-A (8 F.R. 14624-25) of October 22, 1943, or Revised Service Order No. 112 (9 F.R. 11278-79) of September 11, 1944, or Service Order No. 135 (8 F.R. 9569) as amended (8 F.R. 10941). The provisions of this order shall not apply to detention on refrigerator cars utilized in accordance with the provisions of Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270, 11852, 12100, 17428; 9 F.R. 947; 10 F.R. 9295).

(4) *Domestic and transshipments.* Except as provided in paragraph (b) (3) on and after the effective date of this order the provisions thereof shall apply to the detention at any inland point or at any port, whether for domestic release or for transshipment by water. The number of days a refrigerator car has been held prior to the effective date of this order shall determine the charges applicable on that refrigerator car on the first full demurrage day and all subsequent demurrage days occurring after the effective date of this order.

(5) *Demurrage charges substituted for charges for storage of freight in refrigerator cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in refrigerator cars at or short of ports consigned or reconsigned for export, coastwise or inter-

coastal movement is suspended insofar as inconsistent with this order.

(ii) In lieu of the charges for storage of freight in refrigerator cars at or short of ports suspended in subparagraph (5) (i) above, the applicable charges for detention of refrigerator cars held at or short of ports for unloading freight consigned or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraph (a) of this order.

(6) *Definition of refrigerator car.* The term "refrigerator car" as used herein means freight equipment described under the caption Class "R"—Refrigerator Car Type in the Official Railway Equipment Register.

(c) *Extreme weather.* (1) During the period when weather conditions exist as described in Rule 8, section A, Agent B. T. Jones' Tariff I. C. C. No. 3815, the provisions of this order are suspended. In lieu thereof the rules, regulations, and charges provided in lawfully published tariffs shall apply.

(2) When because of rising waters it is not practicable, or because of flood conditions it is impossible for railroads to set refrigerator cars for delivery at the usual places contemplated by lawfully published tariffs, the provisions of this order are suspended on such cars. In lieu thereof the rules, regulations, and charges provided in lawfully published tariffs shall apply.

(d) *Effective date.* This order shall become effective at 7:00 a. m., May 25, 1945.

(e) *Expiration date.* This order shall expire at 7:00 a. m., December 1, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(f) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(g) *Announcement of suspension.* Each railroad, or its agent shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth herein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered that this order shall vacate and supersede Revised Service Order No. 180 and Second Revised Service Order No. 180 on the effective date hereof; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 45-8857; Filed May 25, 1945;
11:11 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

TALCOT LAKE NATIONAL WILDLIFE REFUGE, MINN.; FISHING REGULATIONS

Under authority of § 12.3 of the General Regulations for the Administration of National Wildlife Refuges (5 F.R. 5284), as amended, the following is ordered:

§ 24.890 *Talcot Lake National Wildlife Refuge, Minnesota; fishing.* Non-commercial fishing in accordance with the State laws of Minnesota is permitted on all the waters of Talcot Lake located within the boundaries of the Talcot Lake National Wildlife Refuge excepting waters within the immediate vicinity of the dam.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284), and strict compliance therewith is required. Persons entering the refuge for the purpose of fishing must follow such routes of travel within the refuge as are designated by posting. All fishermen must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such law and regulations. This license shall serve as a Federal permit for fishing in the specified waters of the refuge.

During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations. Such closed areas are to be clearly designated by posting.

Dated: May 19, 1945.

ALBERT M. DAY,
Acting Director.

[F. R. Doc. 45-8844; Filed, May 25, 1945;
9:32 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Misc 2040415]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 19, 1945.

In an exchange of lands made under the provisions of section 8 of the act of

June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315g), the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 17 S., R. 15 E.,

Sec. 17, S½SW¼;

Sec. 20, N½NW¼.

The area described aggregates 160 acres.

At 10:00 a. m. on the 63d day from the date on which this order is signed, these lands, subject to valid existing rights and the provisions of existing withdrawals, shall become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20 day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such

regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in parts 232 and 257, respectively, of that title.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-8846; Filed, May 25, 1945;
9:32 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Cigar Industry Learner Regulations, April 22, 1944 (9 F.R. 4330).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of

any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

APPAREL INDUSTRY

Alabama Textile Products Corporation, Crestview, Florida; government khaki O. D. shorts; 10 percent (AT); effective May 13, 1945, expiring November 12, 1945.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

The Badger Raincoat Company, 209 Franklin Street, Port Washington, Wisconsin; mackinaws and jackets; 20 learners (AT); effective May 15, 1945, expiring November 14, 1945.

William Atkin Company, 7th & Allen Streets, Allentown, Pennsylvania; men's shirts; 10 percent (T); effective May 16, 1945, expiring May 15, 1946.

GLOVE INDUSTRY

Aris Gloves, Inc., Saranac Lake, New York; knit fabric gloves; 20 learners (E); effective May 16, 1945, expiring November 15, 1945.

Fox River Glove Company, Inc., W. Fond DuLac Street, Ripon, Wisconsin; work gloves; 8 learners (T); effective May 14, 1945, expiring May 13, 1946.

HOSIERY INDUSTRY

Bisher Hosiery Mill, Denton, North Carolina; seamless hosiery; 10 learners (AT); effective May 13, 1945, expiring November 12, 1945.

Charles H. Bacon Company, Lenoir City, Tennessee; seamless hosiery; 10 percent (AT); effective May 13, 1945, expiring November 12, 1945.

Dixie Hosiery Mills, Inc., 430 West Church Street, Newport, Tennessee; seamless hosiery; 15 learners (E); effective May 10, 1945, expiring November 9, 1945.

Lanning Hosiery Mill, Aquadale, North Carolina; seamless hosiery; 5 learners (T); effective May 11, 1945, expiring May 10, 1946.

Walker County Hosiery Mills, La Fayette, Georgia; seamless hosiery; 10 percent (AT); effective May 13, 1945, expiring November 12, 1945.

TELEPHONE INDUSTRY

Mutual Telephone Company, Sioux Center, Iowa; to employ learners as commercial switchboard operators at its Sioux Center, Iowa exchange, located at Sioux Center, Iowa; effective May 19, 1945, expiring May 18, 1946.

TEXTILE INDUSTRY

Belton Mills, Belton, South Carolina; cotton and cotton and rayon textiles; 8 learners (T); effective May 10, 1945, expiring May 9, 1946.

CIGARS INDUSTRY

Jose E. Reyes & Company, P. O. Box 583, Jefferson Street, Quincy, Florida; cigars; 10 percent (T); hand rolling and hand bunching for a learning period of 960 hours at 30 cents per hour for first 480 hours, and 35 cents per hour for remaining 480 hours; cigar packing for a learning period of 320 hours at 30 cents per hour; effective May 16, 1945, expiring May 15, 1946.

Signed at New York, N. Y., this 18th day of May 1945.

PAULINE C. GILBERT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 45-8918; Filed, May 25, 1945;
12:03 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 309]

UNLOADING OF CANOPY FRAMES AT NORTH SIDE, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of May, A. D. 1945.

It appearing, that car CB&Q-42627, containing canopy frames at North Side, Pa., on the Baltimore and Ohio Railroad Company, shipped by Procurement Division, U. S. Treasury Department, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

Canopy frames at North Side, Pa., be unloaded. (a) The Baltimore and Ohio Railroad Company, its agents or employees, shall unload forthwith car CB&Q-42627, containing canopy frames consigned to E. L. Braunstein, now on hand and rejected at North Side, Pa.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such car has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17) 15 (2)).

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Baltimore and Ohio Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 45-8964; Filed, May 25, 1945;
11:11 a. m.]

[S. O. 310]

UNLOADING OF STEEL RODS AT CARNEGIE, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of May, A. D. 1945.

It appearing, that car StLB&M 3223, containing steel rods at Carnegie, Pennsylvania, on the Pennsylvania Railroad Company, shipped by Procurement Division, U. S. Treasury Department, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

Steel rods at Carnegie, Pennsylvania, be unloaded. (a) The Pennsylvania Railroad Company, its agents or employees, shall unload forthwith car StLB&M 3223, containing steel rods, consigned to E. L. Braunstein, now on hand and rejected at Carnegie, Pennsylvania.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such car has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Pennsylvania Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] V. P. BARTEL,
Secretary.

[F. R. Doc. 45-8865; Filed, May 25, 1945;
11:11 a. m.]

[S. O. 70-A, Special Permit 1011]

RECONSIGNMENT OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 21, 1945, by Milton Schoenberg, of car ART 21860, lettuce, now on the Chicago Produce Terminal, to U. S. Naval Supply Officer, Norfolk, Va. (NYC-Vgn).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8854; Filed, May 25, 1945;
11:11 a. m.]

[S. O. 70-A, Special Permit 1012]

RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 22, 1945, by M. Lapidus & Sons, of car NP 90090, onions, now on the Wabash to Frank Fruit Company, Madison, Wisconsin. (CMST&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8855; Filed, May 25, 1945;
11:11 a. m.]

[S. O. 70-A, Special Permit 1013]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 22, 1945, by Gust Relias, of car BREX 75152, tomatoes, now on the Wabash Railroad, to Wisconsin Distributing Company, Appleton Junction, Wisconsin.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8856; Filed, May 25, 1945;
11:11 a. m.]

[S. O. 288, Special Permit 21]

REFRIGERATION OF SHELL EGGS FROM BUCKLEY, MO.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 288 of February 27, 1945 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 288 insofar as it applies to the furnishing or supplying of one refrigerator car for loading with 405 cases of shell eggs shipped May 25 or 26, 1945, for the U. S. Army, by Bauer & Horn from Buckley, Missouri, consigned to Dermott Prisoner of War Camp, Jerome, Arkansas (CB&Q to Kansas City—Mo. Pac. beyond).

The car order, bill of lading, other shipping papers and the waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8859; Filed, May 25, 1945;
11:12 a. m.]

[S. O. 288, Special Permit 22]

REFRIGERATION OF SHELL EGGS FROM CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 288 of February 27, 1945 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 288 insofar as it applies to the furnishing or supplying of one refrigerator car for loading with shell eggs packed in used fibreboard egg cases, shipped by The Great A&P Tea Company, from its warehouse at Chicago, Illinois, not later than May 26, 1945, to Central Cold Storage, Chicago, Illinois, (via Chicago Junction Ry.-C&NW), for storage, provided the used fibreboard egg cases in which the eggs are packed comply with requirements of Consolidated Freight Classification No. 16.

The car order, other shipping papers and the waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8860; Filed, May 25, 1945;
11:12 a. m.]

[Rev. S. O. 300, Gen. Permit 2]

ICING OF POTATOES FROM FLORIDA, GEORGIA OR SOUTH CAROLINA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Revised Service Order No. 300 of April 19, 1945 (10 F.R. 4359), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On cars billed on or after the effective date of this permit, to provide initial icing only at the first regular icing station available en route after cars are loaded and billed, on any refrigerator car loaded with potatoes originating at any point in the States of Florida, Georgia or South Carolina; on any refrigerator car rolling on the effective date of this permit, loaded with potatoes originating at any point in the States of Florida, Georgia or South Carolina, to provide initial icing only at a regular icing station en route.

This general permit shall become effective at 12:01 a. m., May 23, 1945, and the icing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire at 11:59 p. m., June 30, 1945.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8861; Filed, May 25, 1945;
11:12 a. m.]

[Rev. S. O. 300, Special Permit 7]

ICING OF POTATOES AT BALDWIN, FLA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Revised Service Order No. 300 of April 19, 1945 (10 F.R. 4359), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 300 insofar as it applies to the icing, one time only, May 16 or 17, 1945, at Baldwin, Florida on the first available regular icing station enroute on cars, WFE 49454, FGE 32491, ART 19453 and PFE 62385, potatoes, on the S. A. L. Railroad, as ordered by C. D. Bethea.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8862; Filed May 25, 1945;
11:12 a. m.]

[Rev. S. O. 300, Special Permit 8]

REFRIGERATION OF POTATOES FROM LA CROSSE, FLA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Revised Service Order No. 300 of April 19, 1945 (10 F.R. 4359), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 300 insofar as it applies to the furnishing of standard refrigeration on not to exceed a total of ten (10) refrigerator cars loaded with potatoes, shipped not later than May 31, 1945, by Sheppard Produce Company, from La Crosse, Florida, to Houston, Texas (S. A. L. and connections).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22nd day of May, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8863; Filed, May 25, 1945;
11:12 a. m.]

PERMIT AGENTS

APPOINTMENT WITH RESPECT TO GRAIN PERMITS

Pursuant to the authority vested in me by paragraph (d) of Service Order No. 249, the following permit agent is hereby appointed, effective May 22, 1945, to issue permits pursuant to paragraph (c) of said order.

81. L. H. Michaux, Greenwood, Miss., vice T. R. Gregory, deceased.

A copy of this notice has been served upon the Association of American Rail-

roads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8858; Filed, May 25, 1945;
11:11 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Max. Import Price Reg., Amdt. 1 to Order 57]

COOKED OR FROZEN COOKED LOBSTER FROM MEXICO

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Section 21 of the Maximum Import Price Regulation, *it is ordered:*

Order No. 57 under the Maximum Import Price Regulation is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) Notwithstanding the provisions of the Maximum Import Price Regulation and Order No. 38 issued thereunder, the maximum prices at which any person may buy, receive, sell or deliver in Region VIII of the Office of Price Administration any cooked or frozen cooked lobster imported or to be imported from Mexico shall be such maximum prices as have been or may hereafter be established by Order issued by the Regional Administrator for Region VIII. The maximum prices so established shall be in line with maximum prices for domestic Pacific coast cooked lobster and/or frozen cooked lobster.

2. Paragraph (c) is amended to read as follows:

(c) Authority is hereby delegated to the Regional Administrator for Region VIII to establish maximum prices at which any person may buy, receive, sell or deliver in that Region any cooked or frozen cooked lobster imported or to be imported from Mexico. Such authority may be exercised by amendment of the above mentioned Order No. G-103 by order issued pursuant to this Order No. 57.

This amendment shall become effective May 26, 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8899; Filed, May 25, 1945;
11:44 a. m.]

[MPR 260, Amdt. 2 to Order 376]

EAGLE MERCANTILE CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102a of Maximum Price Regulation No. 260; *It is ordered, That:*

The maximum prices for the "La Flor de Gavilla Coronas Gloria" and the "La Flor de Gavilla Londres" set forth in Amendment No. 1 to Order No. 376, under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Flor de Gavilla.	Coronas Gloria-Londres.....	25	Per M \$242.00	Cents 33
		25	161.50	20

This amendment shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8793; Filed, May 24, 1945;
11:39 a. m.]

[MPR 260, Order 931]

V. J. C. CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) V. J. C. Cigar Factory, 1801 11th Avenue, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
V. J. C.....	Londres Grande...	50	Per M \$60	Cents 2 for 15
	Corona Segunda...	50	56	7
	Cadets.....	50	56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not

be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8796; Filed, May 24, 1945;
11:28 a. m.]

[MPR 260, Order 932]

RAMON JIMENEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Ramon Jimenez, 224 W. 18th St., New York 11, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Hand Made.	Coronitas 4 1/2".....	50	Per M \$44	Cents 2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8797; Filed, May 24, 1945;
11:28 a. m.]

[MPR 260, Order 933]

JAMES W. CUSTER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) James W. Custer, 9 S. Washington St., Boyertown, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El Custo.....	De Luxe.....	50	Per M \$75	Cents 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8798; Filed, May 24, 1945; 11:29 a. m.]

[MPR 260, Order 934]

WOLF BROS. & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Wolf Bros. & Co., 25 Pine St., Red Lion, Pa., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Sidson's Phila. Seal.	Invincible....	50	Per M \$60	Cents 2 for 15
National Perfecto.	do.....	50	60	2 for 15
Various brands of tin cans.	Perfecto.....	50	48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed in § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8799; Filed, May 24, 1945; 11:29 a. m.]

[MPR 260, Order 935]

JOSEPH C. BAKER

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Joseph C. Baker, 339 N. W., 24th St., Miami 37, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Myld.....	Myld 5".....	50	Per M \$56	Cents 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price

class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8800; Filed, May 24, 1945;
11:29 a. m.]

[MPR 260, Order 936]

J. C. WINTER & CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) J. C. Winter & Co., Inc., 120 N. Charles St., Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Rey West.....	Invinible.....	50	Per M \$40	Cents 5

(b) The manufacturer and wholesalers shall grant, with respect to their

sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8801; Filed, May 24, 1945;
11:30 a. m.]

[MPR 260, Order 937]

JOSEPHINE C. FLEITAS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Josephine C. Fleitas, Tampa 5, Fla., 1906 10th Ave. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Mahoma.....	Brevas.....	50	Per M \$169	Cents 22
Lellani.....	Coronas.....	50	60	2 for 15
Mahoma.....	Corona Especial.....	50	75	10
Don Q.....	Nobelezas.....	50	72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8802; Filed, May 24, 1945;
11:30 a. m.]

[MPR 260, Order 938]

PETER CROWLEY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Peter Crowley, 1836 Warren Blvd., Chicago 12, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Vigoralls.....	Brevas 4 3/4"...	50	Per M \$115	Cents 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8803; Filed, May 24, 1945;
11:30 a. m.]

[MPR 260, Order 939]

HERBERT SEELY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Herbert Seely, 25 E. Main St., Madison 3, Wis. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Capital Beauties.	After Dinner...	50	Per M \$64.00	Cents 8
El-Seely.....	Perfecto Chico.	50	78.75	2 for 21
Madison Regular.	Regular.....	50	64.00	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales

of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8804; Filed, May 24, 1945;
11:31 a. m.]

[MPR 260, Order 940]

ANGSTADT & ANGSTADT

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) Angstadt & Angstadt, 738 No. 6th St., Reading, Penna. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
A & A.....	Juniors.....	50	Per M \$60.00	Cents 2 for 15
	Perfecitos ¹	50	93.75	2 for 25

¹ Prices apply only to this cigar using long Porto Rico and Havana filler in the proportion specified in application.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8805; Filed, May 24, 1945;
11:31 a. m.]

[MPR 260, Order 941]

FERNANDEZ & GONZALEZ

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Fernandez & Gonzalez, 3003 17th St., Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Fernandez & Gonzalez.	Blunts.....	50	\$56.00	7
	Juniors.....	50	36.00	2 for 9
	Panetelas.....	50	108.75	2 for 29
	F. & G. Especial.	50	146.00	19
	Coronas.....	50	64.00	8
	Breva Especial.	50	75.00	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8806; Filed, May 24, 1945;
11:31 a. m.]

[MPR 260, Order 942]

CHRIST KREGE

AUTHORIZATION OF MAXIMUM PRICES

For reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Christ Kregé, 1717 N. Mason Avenue, Chicago, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
James Lane.....	Smokers.....	50	Per M \$48	Cents 6
	Brevas.....	50	72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8807; Filed, May 24, 1945;
11:32 a. m.]

[MPR 260, Order 943]

TRISTAN BARCIA

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Tristan Barcia, 1825 12th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Universal.	Corona Special....	50	Per M \$78.75	Cents 2 for 21

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and

size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8808; Filed, May 24, 1945;
11:32 a. m.]

[MPR 260, Order 944]

FRANK SACCO

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Frank Sacco, 2731 Arapahoe St., Denver, Colo. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
San Remo.....	50	Per M \$75	Cents 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted

in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8809; Filed, May 24, 1945;
11:32 a. m.]

[MPR 260, Order 946]

J. M. GONZALEZ CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) J. M. Gonzalez Co., 2145 Cordelia St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following do-

mestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Picadilly.....	Coronas.....	50	Per M \$60	Cents 2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8810; Filed, May 24, 1945;
11:32 a. m.]

[MPR 260, Order 947]

KING NORMAN CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) King Norman Cigar Co., 3506 Mohawk Avenue, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Imperial Edward.	Coronas.....	50	Per M \$50	Cents 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8811; Filed, May 24, 1945;
11:34 a. m.]

[MPR 260, Order 948]

VILLAZON & Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) Villazon & Company, 2511 21st St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Docilla.....	Cadets.....	50	Per M \$78.75	Cents 2 for 21
Sanchez & Hermanos.	do.....	50	78.75	2 for 21
Villazon.....	do.....	50	78.75	2 for 21
Villa de Cuba.....	do.....	50	78.75	2 for 21
Armas del Mando.....	do.....	50	78.75	2 for 21

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and

may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8812; Filed, May 24, 1945;
11:34 a. m.]

[MPR 260, Order 949]

MARY MOEHLE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Mary Moehle, 1632 N. 6th St., Phila. 22, Penna. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Moehle Hand Made.	Perfecto....	50	Per M \$44	Cents 2 for 11
Flor De Maria.....do.....	50	75	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of

each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8813; Filed, May 24, 1945;
11:34 a. m.]

[MPR 260, Order 950]

COLONIAL CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That:

(a) Fred Feakes, d/b/a Colonial Cigar Co., 53 Bethany Circle, Santa Cruz, Calif., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Victors.....	Panatella.....	50	Per M \$75.00	Cents 10
Colonial.....	De Luxe.....	50	93.75	2 for 25

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8814; Filed, May 24, 1945;
11:34 a. m.]

[MPR 260, Order 951]

MORRIS LEVIN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Morris Levin, 1232 W. Ford Du Lac Avenue, Milwaukee 5, Wis. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Sena.....	Admirals.....	50	Per M \$192	Cents 25
Club Forest.....	Queens.....	50	169	22
La Sena.....	Victory.....	50	130	3 for 50
Club Forest.....	Panetela.....	50	130	3 for 50

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8815; Filed, May 24, 1945;
11:35 a. m.]

[MPR 260, Order 952]

LA SUERTE CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) La Suerte Cigar Factory, 64 W. Chestnut St., Chicago 10, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Suerte.....	Smoker 5'.....	50	Per M \$64	Cents 8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March

1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8816; Filed, May 24, 1945;
11:35 a. m.]

[MPR 260, Order 953]

BENJAMIN STERN

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, It is ordered, That:

(a) Benjamin Stern, 136 East Burnside Avenue, Bronx, N. Y., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Stan-El.....	Full Corona.....	50	Per M \$134	Cents 2 for 35
	Perfecto.....	50	56	7
	Queens.....	50	154	20
	Small Corona.....	50	115	15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials al-

lowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8817; Filed, May 24, 1945;
11:35 a. m.]

[MPR 260, Order 954]

RODRIGUEZ & FERNANDEZ CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, It is ordered, That:

(a) Rodriguez & Fernandez Cigar Co., 2331 La Salle St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Rodriguez & Fernandez,	Breva.....	50	Per M \$56	Cents 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8818; Filed, May 24, 1945;
11:36 a. m.]

[MPR 260, Order 955]

DE MEZA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, It is ordered, That:

(a) De Meza Cigar Factory, 1005 15th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
The Pastor.....	Corona.....	50	Per M \$64	Cents 8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8819; Filed, May 24, 1945;
11:36 a. m.]

[MPR 260, Order 956]

A. CRUZ CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered, That:*

(a) A. Cruz Cigar Factory, 2522 Chestnut St., Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
A. Cruz	Panetela 5 1/4"	50	\$134.00	2 for 35
	Panetela 5"	50	101.25	2 for 27
	Marta	50	55.00	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or

frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8820; Filed, May 24, 1945;
11:37 a. m.]

[MPR 260, Order 945]

MAX JULIUS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Max Julius, 1417 S. Drake Avenue, Chicago 23, Ill. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
John Morgan	Breva 5"	50	Per M \$90	Cents 12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars

priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8843; Filed, May 24, 1945;
4:44 p. m.]

[RMPR 169, Order 79]

FABRICATED MEAT CUTS

DESIGNATION OF FAIRLAWN AND PATERSON,
N. J., AS DEFICIENCY AREA

Correction

In the document appearing on page 5974 of the issue for Thursday, May 24, 1945, the Federal Register file line should appear at the end, as follows: "[F.R. Doc. 45-8641; Filed, May 22, 1945; 2:49 p. m.]"

[MPR 188, Order 94 Under 2d Rev. Order A-3]

SANDS LEVEL & TOOL CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.*
(1) Sands Level & Tool Company of 8631 Gratiot Avenue, Detroit 13, Michigan, may sell and deliver the articles listed below, which it manufactures and which are fully described in its application, at

prices no higher than its maximum prices in effect immediately prior to the effective date of this order plus the appropriate one of the following adjustment charges:

Article	Adjustment charge (each)
Model 509 black walnut torpedo level	\$0.15
Model 509A black walnut torpedo level	.11
Model 99 24" carpenters' laminated wood level	.11

(2) Sands Level & Tool Company may sell and deliver the articles listed below to Montgomery Ward and Company at prices no higher than its maximum prices in effect immediately prior to the effective date of this order plus the appropriate one of the following adjustment charges:

Article	Adjustment charge (each)
Model 2058 24" 4 glass level	\$0.36
Model 2058 28" 4 glass level	.27
Model 2059 24" 6 glass level	.13
Model 2059 28" 6 glass level	.04
Model 2061 48" glass level	.07

(3) The adjustment charges, provided herein, may be made and collected only if stated separately.

The maximum prices of the manufacturer, as adjusted, are subject to its customary terms, discounts, allowances and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) Maximum prices of purchasers for resale. Any purchaser for resale who handles the articles for which the manufacturer's maximum prices have been adjusted as provided in paragraph (a) in the course of their distribution from the manufacturer to the user may add to his properly established maximum price for these articles in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment charge which he is required to pay to his supplier, provided the amount of such adjustment charge has been separately stated.

The maximum prices, as adjusted, of a purchaser for resale are subject to the seller's customary discounts, allowances and other price differentials in effect during March 1942 on sales to each class of purchaser.

(c) Notification. Every person who makes a sale or delivery to a purchaser for resale at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 94 under 2nd Rev. Order No. A-3 under MPR 188 authorizes all sellers of the articles covered by this invoice to adjust their maximum prices, in effect prior to May 26, 1945, by adding no more than the exact dollar-and-cents amount of the adjustment charge appearing on this invoice, provided that amount is stated separately on an invoice which contains this notice.

(d) Statements to be submitted to the Office of Price Administration. After the effective date of this order, Sands Level & Tool Company, shall submit to the Office of Price Administration, Washington, D. C., a detailed quarterly profit and

loss statement within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on May 26, 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8900; Filed, May 25, 1945; 11:44 a. m.]

[MPR 188, Order 3853]

LOUIS GANNETT

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Louis Gannett, 221 East First Street, Los Angeles, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article—1000 Watt Electric Hot Plate, Model G. L.	
Maximum prices for sales by manufacturer to:	Each
Wholesaler	\$1.70
Retailer (in units of 6 or more)	1.95
Retailer (in units of less than 6)	2.10
Maximum prices for sales to sellers other than the manufacturer to:	
Retailer (in units of 6 or more)	1.95
Retailer (in units of less than 6)	2.10
Consumer	3.15

These maximum prices are for the articles described in the manufacturer's application dated February 19, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days. They include the Federal excise tax.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement in either form:

Louis Gannett
221 East First Street
Los Angeles, California
Model No. G. L.
OPA Retail Ceiling Price—\$3.15
This price includes Federal Excise Tax
Do Not Detach

or

Order No. _____
Model No. G. L.
OPA Retail Ceiling Price—\$3.15
This price includes Federal Excise Tax
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 26th day of May 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8902; Filed, May 25, 1945; 11:45 a. m.]

[MPR 188, Order 3854]

RAYENERGY RADIO AND TELEVISION CORP.
OF AMERICA

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by RayEnergy Radio and Television Corporation of America, 521 5th Avenue, New York 17, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

To U. S. Govt., Red Cross, U. S. O. and jobbers	\$13.50
To retailers	16.50
To consumers	25.75

The above maximum prices include Federal excise tax and the wholesale prices and the price to U. S. Govt., Red Cross, and the U. S. O. are F. O. B. New York, subject to discount of 2%, net 10 days.

The above maximum prices are for your 5 tube, AC/DC radio receiver mounted in a portable type cabinet.

These maximum prices are for the articles described in the manufacturer's application dated April 20, 1945 and completed May 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and

deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$25.75 including Federal excise tax
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 26th day of May 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8903; Filed, May 25, 1945;
11:45 a. m.]

EAST BIRMINGHAM BRONZE FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the East Birmingham Bronze Foundry Company, 831 North Thirty-sixth Way, Birmingham, Alabama.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

ARTICLE—LF918 ALUMINUM GRIDDLE

Maximum prices for sales by manufacturer to:	Each
Jobber	\$2.67
Dropship jobber	8.21
Retailer	8.57

Maximum prices for sales by sellers other than the manufacturer to:	Each
Retailer	\$3.57
Consumer	5.95

These maximum prices are for the articles described in the manufacturer's application dated April 23, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$5.95
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 26th day of May 1945.

Issued this 25th day of May, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8909; Filed, May 25, 1945;
11:47 a. m.]

[MPR 188, Order 3864]

STEWART MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188, It is ordered:

(a) The maximum net prices, f. o. b. point of manufacture, for sales of the following commodities by the Stewart Manufacturing Company of Los Angeles, California, shall be including screws where required:

	On sales to jobbers	On sales to retailers	On sales to consumers
No. 29-2-29"-2 bar screen door wire guard and brace	Each \$0.30	Each \$0.40	Each \$0.60
No. 29-3-29"-3 bar screen door wire guard and brace	.40	.55	.80
No. 29-5-29"-5 bar screen door wire guard and brace	.50	.65	1.00
No. 34-3-34"-3 bar screen door wire guard and brace	.50	.65	1.00
No. 34-5-34"-5 bar screen door wire guard and brace	.60	.80	1.20

(b) The maximum net prices for sales by jobbers of the following commodities manufactured by the Stewart Manufacturing Company of Los Angeles, shall be:

	On sales to retailers	On sales to consumers
No. 29-2-29"-2 bar screen door wire guard and brace	Each \$0.40	Each \$0.60
No. 29-3-29"-3 bar screen door wire guard and brace	.55	.80
No. 29-5-29"-5 bar screen door wire guard and brace	.65	1.00
No. 34-3-34"-3 bar screen door wire guard and brace	.65	1.00
No. 34-5-34"-5 bar screen door wire guard and brace	.80	1.20

(c) The maximum net prices for sales by retailers of the following commodities manufactured by the Stewart Manufacturing Company of Los Angeles, California shall be:

	On sales to consumers (each)
No. 29-2-29"-2 bar screen door wire guard and brace	\$0.60
No. 29-3-29"-3 bar screen door wire guard and brace	.80
No. 29-5-29"-5 bar screen door wire guard and brace	1.00
No. 34-3-34"-3 bar screen door wire guard and brace	1.00
No. 34-5-34"-5 bar screen door wire guard and brace	1.20

(d) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) Every person selling the commodities subject to this order, except a retailer, shall notify each purchaser in writing at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each seller as well as the maximum prices established for each purchaser on resale.

(f) The Stewart Manufacturing Company shall print in a conspicuous place on the boxes containing the items subject to this order, the maximum retail price thereof.

(g) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective May 26, 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8913; Filed, May 25, 1945;
11:48 a. m.]

[MPR 188, Order 3865]

PACIFIC SPECIALTY MANUFACTURING CO.
AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an Opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188, It is ordered:

(a) The maximum net prices, f. o. b. factory, for sales by the Pacific Specialty Manufacturing Company of El Monte and Monrovia, California of the Model No. 5, 3 $\frac{3}{4}$ " x $\frac{7}{16}$ " plastic and polished brass drawer pull as described in the company's application dated January 5, 1945 shall be:

- (1) On sales to wholesalers and jobbers—with screws..... \$1.15 per dozen.
- (2) On sales to dealers—with screws..... \$1.55 per dozen.
- (3) On sales to consumers at retail—with screws. \$0.20 each.

(b) The maximum net price for sales by jobbers of the Model No. 5, 3 $\frac{3}{4}$ " x $\frac{7}{16}$ " plastic and polished brass drawer pull manufactured by the Pacific Specialty Manufacturing Company of El Monte and Monrovia, California, as described in the manufacturer's application of January 5, 1945, shall be:

- (1) On sales to dealers—with screws..... \$1.55 per dozen.
- (2) On sales to consumers at retail—with screws. \$0.20 each.

(c) The maximum net price for sales by retailers of the Model No. 5, 3 $\frac{3}{4}$ " x $\frac{7}{16}$ " plastic and polished brass drawer pull manufactured by the Pacific Specialty Manufacturing Company of El Monte and Monrovia, California as described in the manufacturer's application of January 5, 1945, shall be:

- (1) On sales to consumers at retail—with screws..... \$0.20 each.

(d) The maximum net prices established by this order shall be subject to discounts and allowances, including transportation allowances and price differentials and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) Every person selling the commodity covered by this order, except retailers, shall notify each of its purchasers, in writing at or before the issuance of the first billing, of the maximum prices established by this order for each such seller as well as the maximum prices established for each purchaser on resale.

(f) The Pacific Specialty Manufacturing Company shall print in a conspicuous place on the box containing the Model No. 5, 3 $\frac{3}{4}$ " x $\frac{7}{16}$ " plastic and polished brass drawer pull the following:

No. 105—12

"Maximum retail price" (with screws)..... \$0.20 each.

(g) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective May 26, 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8914; Filed, May 25, 1945;
11:48 a. m.]

[MPR 580, Order 73]

HAT CORPORATION OF AMERICA

ESTABLISHMENT OF MAXIMUM PRICES

Order 73 under Maximum Price Regulation No. 580, establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-63.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to section 13 of Maximum Price Regulation No. 580; It is ordered:

(a) The price for sales at retail submitted in the application filed by Hat Corporation of America, 417 Fifth Avenue, New York 16, New York, dated April 11, 1945, for each article of the brand names of "Dobbs", "Crofut and Knapp", "Knapp-Felt", "Cavanagh", "Knox", and "Dunlap", described in the application, and covered by Maximum Price Regulation No. 580, is hereby established as the ceiling price of the article for sales at retail.

(b) The retail ceiling prices as established by paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 1, 1945, Hat Corporation of America must mark each article for which a price is established by paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)

OPA Retail Ceiling Price—\$.....

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article for which a price is established by paragraph (a), the seller shall send the purchaser a copy of this order and a statement showing the articles covered by this order and their retail ceiling prices as established by paragraph (a).

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 26, 1945.

Issued this 25th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8917; Filed, May 25, 1945;
11:48 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register May 17, 1945.

REGION II

Baltimore Order 1-M, Amendment 2, covering malt beverages in Baltimore, Md., filed 3:07 p. m.

Baltimore Order P-1, Amendment 7, covering fresh fish in the Baltimore, Md., Area, filed 3:07 p. m.

Baltimore Order 6-F, Amendment 36, covering fresh fruits and vegetables in certain areas in Maryland, filed 3:08 p. m.

Pittsburgh Order 2-F, Amendment 11, covering fresh fruits and vegetables in certain areas in Pennsylvania, filed 3:07 p. m.

Syracuse Order P-3, Amendment 14, covering fresh fish in certain counties in New York, filed 3:07 p. m.

Syracuse Order P-3, Amendment 15, covering fresh fish in certain counties in New York, filed 3:07 p. m.

REGION V

Dallas Order 3-F, Amendment 42, covering fresh fruits and vegetables, filed 3:06 p. m.

Fort Worth Order 7-F, Amendment 7, covering fresh fruits and vegetables in Tarrant County, Tex., filed 3:06 p. m.

Fort Worth Order 8-F, Amendment 7, covering fresh fruits and vegetables in Taylor County, Tex., filed 3:06 p. m.

Fort Worth Order 9-F, Amendment 7, covering fresh fruits and vegetables in Tom Green County, Tex., filed 3:06 p. m.

Fort Worth Order 10-F, Amendment 7, covering fresh fruits and vegetables in McLennan County, Tex., filed 3:05 p. m.

Fort Worth Order 11-F, Amendment 7, covering fresh fruits and vegetables in Wichita County, Tex., filed 3:05 p. m.

Lubbock Order 3-F, Amendment 54, covering fresh fruits and vegetables in certain areas in Tex., filed 3:04 p. m.

REGION VI

Sioux City Order 3-F, Amendment 18, covering fresh fruits and vegetables in certain areas in South Dakota, filed 3:04 p. m.

Green Bay Order 4-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Wisconsin, filed 3:04 p. m.

Green Bay Order 5-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Wisconsin, filed 3:04 p. m.

Green Bay Order 6-F, Amendment 13, covering fresh fruits and vegetables in certain counties in Wisconsin, filed 3:04 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-8841; Filed, May 24, 1945;
4:44 p. m.]

[Roanoke Rev. Order G-1 Under Gen. Order 50, Amdt. 4.]

MALT AND CEREAL BEVERAGES IN ROANOKE, VA., DISTRICT

Correction

In the document appearing on page 5977 of the issue for Thursday, May 24, 1945, the Federal Register serial number should read: "45-8609".

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register May 19, 1945.

REGION II

Altoona Order 2-F, Amendment 19, covering fresh fruits and vegetables in the Altoona area. Filed 9:54 a. m.

Baltimore Order 4-F, Amendment 36, covering fresh fruits and vegetables in Baltimore City, Maryland. Filed 9:53 a. m.

Baltimore Order 8-F, Amendment 17, covering fresh fruits and vegetables in Allegany County and City of Cumberland, Maryland. Filed 9:53 a. m.

Binghamton Order 2-F, Amendment 32, covering fresh fruits and vegetables in certain areas in New York. Filed 9:53 a. m.

District of Columbia Order 5-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Region II. Filed 9:53 a. m.

Syracuse Order P-4, Amendment 1, covering fresh fish in certain cities in New York. Filed 9:55 a. m.

Syracuse Order P-4, Amendment 2, covering fresh fish in certain cities in New York. Filed 9:55 a. m.

REGION IV

Birmingham Order 3-F, Amendment 17, covering fresh fruits and vegetables in Jefferson County. Filed 9:55 a. m.

Birmingham Order 4-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Alabama. Filed 9:54 a. m.

Columbia Order 7-F, covering fresh fruits and vegetables in the entire state of South Carolina. Filed 9:54 a. m.

REGION V

Shreveport Order G-17, Amendment 2, covering poultry in certain areas in Louisiana. Filed 10:03 a. m.

REGION VI

Milwaukee Order 11-F, covering fresh fruits and vegetables in certain areas in Wisconsin. Filed 9:58 a. m.

North Platte Order 45, Amendment 1, covering dry groceries in certain areas in Nebraska. Filed 10:03 a. m.

Omaha Order 10-F, Amendment 8, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 10:03 a. m.

Omaha Order 11-F, Amendment 9, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 10:03 a. m.

Sioux City Order 2-F, Amendment 7, covering fresh fruits and vegetables in Sioux City, Iowa and S. Sioux City, Nebraska. Filed 9:57 a. m.

REGION VII

Albuquerque Order 20, Amendment 2, combined with Order 9-W, Amendment 2, covering dry groceries in certain areas in New Mexico. Filed 10:02 a. m.

Helena Order 43-F, Amendment 2, covering fresh fruits and vegetables in Missoula and Kallispell. Filed 9:57 a. m.

Helena Order 44-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:57 a. m.

Helena Order 45-F, Amendment 2, covering fresh fruits and vegetables in Butte, Billings and Great Falls. Filed 9:57 a. m.

Helena Order 46-F, Amendment 2, covering fresh fruits and vegetables in Miles City, Sidney, Glasgow and Glendive. Filed 9:57 a. m.

Helena Order 47-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:56 a. m.

Helena Order 48-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:56 a. m.

Helena Order 49-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:56 a. m.

Helena Order 50-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Montana. Filed 9:56 a. m.

Helena Order 89 and 6-W, Amendment 2, covering dry groceries in Glasgow, Sidney, Glendive and Miles City. Filed 9:56 a. m.

Helena Order 90 and 6-W, Amendment 2, covering dry groceries in certain areas in Montana. Filed 9:55 a. m.

Wyoming Order 47, Amendment 4, covering dry groceries in the Cody, Greybull, Lovell and Powell Area. Filed 10:02 a. m.

REGION VIII

Phoenix Adopting Order 1-D under 1-B, covering dry groceries. Filed 10:00 a. m.

Phoenix Adopting Order 2-D under Basic Order 1-B, covering dry groceries in Arizona. Filed 10:00 a. m.

Phoenix Adopting Order 9-W under Basic Order 2-B, covering dry groceries in the Gila Valley Area. Filed 10:00 a. m.

Phoenix Adopting Order 10-W under Basic Order 2-B, covering community food prices in the Phoenix South-Central Area. Filed 10:00 a. m.

Phoenix Adopting Order 11-W, under Basic Order 2-B, covering community food prices in the Tucson Area. Filed 10:00 a. m.

Phoenix Adopting Order 12-W under Basic Order 2-B, covering community food prices in the Cochise Area. Filed 9:59 a. m.

Phoenix Order, Adopting, 12 under Basic Order 1-B, Amendment 2, covering community food prices in the Southern Arizona Area. Filed 10:02 a. m.

Phoenix Adopting Order 13 under Basic Order 1-B, Amendment 1, covering community food prices in the Phoenix S. Central Area. Filed 10:02 a. m.

Phoenix Adopting Order 13 under Basic Order 1-B, Amendment 2, covering community food prices in the Phoenix South-Central Area. Filed 10:00 a. m.

Phoenix Adopting Order 14 under Basic Order 1-B, Amendment 1, covering community food prices in the Tucson Area. Filed 10:00 a. m.

Sacramento Order 29-F under Basic Order 3-B, Amendment 5, covering fresh fruits and vegetables in certain areas in California. Filed 9:59 a. m.

Sacramento Order 29-F under Basic Order 3-B, Amendment 6, covering fresh fruits and vegetables in certain areas in California. Filed 9:59 a. m.

Sacramento Order 29-F under Basic Order 3-B, Amendment 7, covering fresh fruits and vegetables in certain areas in California. Filed 9:58 a. m.

San Diego Order 1-F, Amendment 28, covering fresh fruits and vegetables in the San Diego Area. Filed 9:58 a. m.

San Diego Order 1-F, Amendment 29, covering fresh fruits and vegetables in the San Diego Area. Filed 9:58 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-8891; Filed, May 25, 1945; 11:42 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register May 21, 1945.

REGION I

Concord Order 9-F, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 3:21 p. m.

REGION II

New York Order 1-C, Amendment 6, covering poultry. Filed 3:02 p. m.

New York Order 2-C, Amendment 5, covering poultry. Filed 3:02 p. m.

New York Order 3-C, Amendment 6, covering poultry in certain areas in New York and New Jersey. Filed 3:02 p. m.

New York Order 4-C, Amendment 6, covering poultry in certain areas in New York and New Jersey. Filed 3:01 p. m.

Pittsburgh Order 2-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 3:19 p. m.

Syracuse Order 3-F, Amendment 29, covering fresh fruits and vegetables in Syracuse, Watertown, and Utica. Filed 3:01 p. m.

Syracuse Order 4-F, Amendment 18, covering fresh fruits and vegetables in certain areas in New York. Filed 3:01 p. m.

Syracuse Order 34, Amendment 5, covering dry groceries in certain counties in New York. Filed 3:01 p. m.

Syracuse Order 35, Amendment 5, covering dry groceries in certain counties in New York. Filed 3:01 p. m.

Syracuse Order 40, Amendment 2, covering dry groceries in certain areas in New York. Filed 3:00 p. m.

Syracuse Order 41, Amendment 1, covering dry groceries in certain counties in New York. Filed 3:00 p. m.

REGION III

Charleston Order 10, Amendment 1, covering dry groceries in the entire State of West Virginia. Filed 3:18 p. m.

Charleston Order 10, Amendment 2, covering dry groceries in the entire State of West Virginia. Filed 3:19 p. m.

Charleston Order 10-F, Amendment 3, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:26 p. m.

Charleston Order 10-F, Amendment 4, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:26 p. m.

Charleston Order 11-F, Amendment 4, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:25 p. m.

Charleston Order 12-F, Amendment 3, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:23 p. m.

Charleston Order 13-F, Amendment 5, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:23 p. m.

Charleston Orders 13 and 10-W, Amendment 1, covering dry groceries within the State of West Virginia. Filed 3:17 p. m.

Charleston Order 13-F, Amendment 31, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:23 p. m.

Charleston Order 13-F, Amendment 3, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:21 p. m.

Charleston Order 14, Amendment 1, covering dry groceries in the entire State of West Virginia. Filed 3:18 p. m.

Charleston Order 10, covering dry groceries in the entire State of West Virginia. Filed 3:18 p. m.

Charleston Order 11-F, covering fresh fruits and vegetables in Morgan, Berkeley and Jefferson Counties. Filed 3:25 p. m.

Charleston Order 12-F, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:24 p. m.

Charleston Order 13-F, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:23 p. m.

Charleston Order 13, covering dry groceries in the entire state of West Virginia. Filed 3:17 p. m.

Charleston Order 14-F, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 3:21 p. m.

Charleston Order 14, covering dry groceries in the entire state of West Virginia. Filed 3:17 p. m.

Cleveland Order F-1, Amendment 38, covering fresh fruits and vegetables in Cuyahoga County. Filed 3:00 p. m.

Cleveland Order F-3, Amendment 38, covering fresh fruits and vegetables in Mahoning and Trumbull Counties. Filed 3:00 p. m.

Cleveland Order F-4, Amendment 38, covering fresh fruits and vegetables in Stark and Summit Counties. Filed 2:59 p. m.

Cleveland Order 5-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Ohio. Filed 2:59 p. m.

Indianapolis Order 14-F, Amendment 15, covering fresh fruits and vegetables in Marion, Vigo and Tippecanoe. Filed 2:59 p. m.

Indianapolis Order 15-F, Amendment 15, covering fresh fruits and vegetables in Wayne, Delaware and Allen. Filed 2:59 p. m.

Indianapolis Order 16-F, Amendment 15, covering fresh fruits and vegetables in St. Joseph. Filed 2:59 p. m.

Indianapolis Order 17-F, Amendment 15, covering fresh fruits and vegetables in Vanderburgh. Filed 2:59 p. m.

Indianapolis Order 18-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Indiana. Filed 2:58 p. m.

Indianapolis Order 19-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Indiana. Filed 2:58 p. m.

Louisville Order 12-F, Amendment 17, covering fresh fruits and vegetables in certain counties in Kentucky and Indiana. Filed 2:58 p. m.

Louisville Order 13-F, Amendment 17, covering fresh fruits and vegetables in McCracken County, Kentucky. Filed 2:58 p. m.

Louisville Order 14-F, Amendment 17, covering fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 2:58 p. m.

REGION IV

Birmingham Order 1-C, Amendment 3, covering poultry in certain counties in Alabama. Filed 2:57 p. m.

Birmingham Order 2-C, Amendment 3, covering poultry in certain counties in Alabama. Filed 2:57 p. m.

Charlotte Order 3-F, Amendment 16, covering fresh fruits and vegetable in certain counties in North Carolina. Filed 2:57 p. m.

Jackson Order 4-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 2:57 p. m.

Memphis Order 6-F, Amendment 28, covering fresh fruits and vegetables in Memphis and Shelby, Tennessee. Filed 2:56 p. m.

Memphis Order 26, covering dry groceries and revoking Order 21. Filed 2:56 p. m.

Miami Order 1, Amendment 2, covering poultry in certain counties in the state of Florida. Filed 2:55 p. m.

Miami Order 1-F, Amendment 11, covering fresh fruits and vegetables in certain cities in Florida. Filed 2:56 p. m.

Miami Order 2, covering certain food items in certain counties in Florida. Filed 2:54 p. m.

Miami Order 2-F, Amendment 11, covering fresh fruits and vegetables in certain cities in Florida. Filed 2:56 p. m.

Miami Order 2-W, covering dry groceries in certain counties in Florida. Filed 2:53 p. m.

Miami Order 2, Amendment 1, covering poultry in certain counties in Florida. Filed 2:54 p. m.

Miami Order 2, Amendment 2, covering poultry in certain counties in Florida. Filed 2:54 p. m.

Miami Order 3, Amendment 2, covering poultry in Monroe County, Florida. Filed 2:54 p. m.

Miami Order 3-F, Amendment 3, covering fresh fruits and vegetables in certain areas in Florida. Filed 2:56 p. m.

Miami Order 4, Amendment 2, covering poultry in certain counties in Florida. Filed 2:54 p. m.

Miami Order 4-F, Amendment 3, covering fresh fruits and vegetables in Monroe County, Florida. Filed 2:56 p. m.

Savannah Order 7-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:53 p. m.

Savannah Order 9-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:53 p. m.

Savannah Order 10-F, Amendment 29, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:53 p. m.

Savannah Order 12-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:52 p. m.

Savannah Order 13-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Georgia. Filed 2:52 p. m.

REGION V

Dallas Order 1-C, Amendment 5, covering poultry. Filed 2:50 p. m.

Lubbock Order 1-C, Amendment 2, covering poultry in Dickens, King, Kent, and Stonewall Counties, Texas. Filed 2:49 p. m.

Lubbock Order 2-C, Amendment 2, covering poultry in certain counties in Texas. Filed 2:49 p. m.

Lubbock Order 3-C, Amendment 2, covering poultry in certain counties in Texas. Filed 2:49 p. m.

REGION VI

Peoria Order 1-W, Amendment 1, combined with Order 17, Amendment 1, covering dry groceries in certain areas in Illinois. Filed 3:20 p. m.

Peoria Order 2-W, Amendment 1, combined with Order 18, Amendment 1, covering dry groceries in certain areas in Illinois. Filed 3:20 p. m.

REGION VII

Wyoming Order 9-W, Amendment 1, covering dry groceries in the Rock Springs Area. Filed 2:50 p. m.

Wyoming Order 9-W, Amendment 2, covering dry groceries in the Rock Springs Area. Filed 2:52 p. m.

Wyoming Order 9-W, Amendment 3, covering dry groceries in the Rock Springs Area. Filed 2:51 p. m.

Wyoming Order 9-W, Amendment 4, covering dry groceries in the Rock Springs Area. Filed 2:51 p. m.

Wyoming Order 9-W, Amendment 5, covering dry groceries in the Rock Springs Area. Filed 2:51 p. m.

Fees and expenses of Seibert & Riggs:

As counsel for North American Gas & Electric Co.:	
Paid to December 31, 1943.....	\$3,799.51
Incurred and unpaid from January 1, 1944 to December 14, 1944.....	3,855.22
Estimated to be incurred thereafter, not in excess of.....	702.42
	8,357.15
As counsel for Loeb & Eames, Inc.: Incurred and unpaid.....	501.01
	\$8,858.16
Fees of Mortimer Stern & Co., Tax Accounts:	
Incurred and unpaid for services to December 14, 1944.....	750.00
Estimated to be incurred thereafter, not in excess of.....	500.00
	1,250.00

Wyoming Order 9-W, Amendment 6, covering dry groceries in the Rock Springs Area. Filed 2:51 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLOCK,
Secretary.

[F. R. Doc. 45-6892; Filed, May 25, 1945; 11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-326, 59-22, 54-73]

NORTH AMERICAN GAS AND ELECTRIC CO.
AND LOEB & EAMES, INC.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of May, A. D. 1945.

The Commission, having, by order dated December 2, 1943, approved an amended plan, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, providing for the liquidation and dissolution of North American Gas and Electric Company, a registered holding company, and various transactions incidental thereto; and having by said order reserved jurisdiction over all fees and expenses incurred or to be incurred in connection with said proceeding or with the consummation of said plan; and

North American Gas and Electric Company, having filed its report, dated December 14, 1944, in the District Court of the United States for the District of Delaware, setting forth its action and proceedings for the consummation of said amended plan, and the nature and amount of the fees and expenses incurred or to be incurred in connection therewith; and a copy of said report having been filed herein, and Seibert & Riggs, of New York, New York, counsel for North American Gas and Electric Company and for said Loeb & Eames, Inc., having filed a statement with respect to services performed in connection with said amended plan; and it appearing to the Commission that the following fees and expenses have been paid or incurred, or may hereafter be incurred, in connection with said amended plan, namely:

Continental Bank & Trust Co. of New York:

Incurring and unpaid for services and expenses as distributing agent and liquidating trustee	\$1,742.35
Other expenses paid to December 31, 1943:	
Printing, mailing and publishing notices	847.84
New York State stock transfer taxes	170.00
Directors' fees	620.00
Travel and miscellaneous expenses	348.00
Estimated to be incurred:	
For expenses of final audit by independent accountants	200.00
For publication of notice pursuant to order of Federal court	600.00
For cost of an extra distribution, if ordered by Federal court, including \$735 fee of Continental Bank & Trust Co. of New York	1,100.00
Cost of publication of notice by Loeb & Eames, Inc.	20.00
For miscellaneous expenses	3,026.61
Total	18,782.96

And it further appearing to the Commission that such fees and expenses are or will be for necessary services and that the amounts thereof are not unreasonable; and that jurisdiction with respect thereto should be released;

It is ordered, That jurisdiction over all fees and expenses in connection with the said amended plan be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8833; Filed, May 24, 1945;
2:37 p. m.]

[File Nos. 70-1069, 70-1070]

AMERICAN POWER & LIGHT CO. AND TEXAS
POWER AND LIGHT CO.SUPPLEMENTAL ORDER GRANTING JOINT AP-
PLICATION AND DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of May, A. D., 1945.

The Commission having on May 15, 1945 issued its order herein under sections 6 (a), 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder granting and permitting to become effective a joint application and declaration, as amended, of Texas Power & Light Company, a subsidiary of American Power & Light Company, a registered holding company, which is in turn a subsidiary of Electric Bond and Share Company, also a registered holding company, with respect to the issue by Texas Power & Light Company of \$31,500,000 principal amount of First Mortgage Bonds to mature May 1, 1975, of which \$26,600,000 principal amount is to be sold in accordance with Rule U-50 promulgated under said act and \$4,900,000 principal amount is to be exchanged for a like principal amount of First Mortgage Bonds 4¾% Series due 1965 of Texas Power & Light Company held by American Power & Light Company; and

The Commission having in said order reserved jurisdiction over the price to be paid to the company for such bonds, the interest rate thereon, the underwriters' spread and its allocation, and all legal

fees to be paid in connection with the proposed transactions; and

Texas Power & Light Company having filed a further amendment to said joint application and declaration stating that, in accordance with the permission granted by said order of the Commission dated May 15, 1945, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Percent of principal amount	Interest rate	Cost to company
The First Boston Corp.	100.153	2¾	2.7425
Halsey Stuart & Co., Inc.	100.08	2¾	2.7461

¹ Exclusive of accrued interest.

Said amendment further stating that Texas Power & Light Company has accepted the bid of The First Boston Corporation for the bonds as set out above, and that the bonds will be offered for sale to the public at a price of 100.75%, resulting in an underwriters' spread of 0.597%; and

The Commission having examined said amendment and having considered the record herein, and finding no reason for imposing terms or conditions with respect to the price to be paid for said bonds, the redemption prices therefor, the interest rates thereon and the underwriters' spread and its allocation;

It is ordered, That jurisdiction heretofore reserved over the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon and the underwriters' spread and its allocation be, and the same hereby is released and said joint application and declaration, as further amended, be, and the same hereby is granted and permitted to become effective forthwith subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction heretofore specifically reserved over all legal fees in connection with the said application and declaration be and the same hereby is continued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8834; Filed, May 24, 1945;
2:37 p. m.]

[File No. 70-1071]

NORTH AMERICAN CO.

ORDER DENYING EFFECTIVENESS OF
DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of May 1945.

The North American Company, a registered holding company, has filed a declaration, and amendments thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and the applicable rules and regulations promulgated thereunder, regarding the sale pursuant to the requirements of Rule U-50, of 700,000 shares of its holdings of common stock (par value \$25) of Pacific Gas and Electric Company ("Pacific"), a subsidiary of The North American Company ("North American"). The declaration also related to the proposal of The North American Company to apply the net proceeds from the sale of such stock, together with other funds, to the redemption of 606,359 shares (all) of its outstanding Serial Preferred Stock, 6% Series, par value \$50 per share, at the redemption price of \$55 per share, plus accrued dividends.

The Commission by order of May 14, 1945, permitted the declaration, as amended, to become effective subject to the condition that the proposed sale of the common stock of Pacific not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, jurisdiction being reserved for this purpose.

The record has been completed in respect of the results of the competitive bidding. In accordance with the terms of the invitation for proposals, bids were opened by North American at 3:00 p. m., on May 22, 1945. One bid was received and that from a group of 144 underwriters headed by Blyth & Co., Inc., of New York City. The price bid for the common stock of Pacific was \$36.767, the underwriters to offer the stock to the public at a price of \$38.25. The May 22 closing price of the Pacific stock on the New York Stock Exchange was \$38.375.

The record indicates that the bid was "disappointing" to North American but was accepted after "extended consideration" at about 4:20 p. m., May 22, subject to our authorization. That evening at 6:30 p. m., pursuant to previous agreement of all participants in the proceeding, we held a hearing to consider the results of the bidding. At this hearing, which adjourned at 10:10 p. m., an officer of North American testified with respect to the acceptance of the bid and a representative of Blyth & Co., Inc. testified with respect to the bid price and the underwriting spread. Testimony was also adduced as to the history of the underwriting syndicate, maintenance of competitive conditions and other related matters. The effectiveness of the purchase contract is conditioned upon the issuance of an order by this

Commission before 3:00 p. m. today (May 23) authorizing the sale of the stock.

The maintenance of competitive conditions, in cases such as this, is one of the matters Congress intended us to give great weight, as shown by the terms of section 12 (d) of the Holding Company Act. On the basis of the record, we are satisfied that competitive conditions were not maintained; on the contrary, we believe that effective competition was stifled or precluded. As a consequence and in the light of other relevant facts disclosed in the record, we are unable to find that either the underwriters' spread or the price bid to North American for the Pacific stock is reasonable. A full opinion setting forth the history of this case and giving our reasons for these conclusions cannot be completed by 3:00 p. m. today, but will issue in due course.

Wherefore it is ordered, That the declaration, as amended, of The North American Company with respect to the sale of 700,000 shares of common stock of Pacific Gas and Electric Company, and the use of the proceeds, together with other treasury funds, for the retirement of 606,359 shares (all) of its outstanding Serial Preferred Stock, 6% Series, par value \$50 per share, at the redemption price of \$55 per share, plus accrued dividends, and the proposed modification of its Loan Agreement dated August 3, 1943 be and it hereby is denied effectiveness.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8635; Filed, May 24, 1945;
2:37 p. m.]

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP. ET AL.
NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of May, A. D., 1945.

In the matters of North Continent Utilities Corporation and Subsidiary Companies, File No. 54-74; North Continent Utilities Corporation and Subsidiary Companies, File 59-69.

The Commission having on November 16, 1943 entered an order herein pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 directing that North Continent Utilities Corporation shall take such action as may be necessary to cause its liquidation and dissolution; and

The Commission further having on February 6, 1945 entered an order herein, pursuant to section 11 (c) of the act, granting an additional period of six months from November 16, 1944 within which to comply with the aforesaid order of November 16, 1943, without prejudice to North Continent Utilities Corporation to apply for an additional extension if the circumstances warrant;

Notice is hereby given that North Continent Utilities Corporation has filed an application requesting the entry of an order by this Commission under section 11 (c) of the act extending for an additional period of six months from May 16, 1945 the time within which to comply with the said order of November 16, 1943.

All interested persons are referred to said application, which is on file in the office of the Commission, for full details concerning the application.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at 11:00 a. m., e. w. t., on the 12th day of June 1945 in such room as may be designated on such day by the hearing room clerk.

It is further ordered, That Charles S. Lobingier, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by such application, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the applicants have exercised due diligence to comply with the Commission's order of November 16, 1943;

(2) Whether a further extension of time of six months for compliance with said order of November 16, 1943 is necessary or appropriate in the public interest or for the protection of investors or consumers;

(3) Whether, in the event the application is granted, it is necessary to impose any terms or conditions to assure compliance with the standards of the act.

It is further ordered, That notice of said hearing is hereby given to North Continent Utilities Corporation, its subsidiary companies and all interested persons, said notice to be given to North Continent Utilities Corporation by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before June 8, 1945 an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8867; Filed, May 25, 1945;
11:15 a. m.]

[File No. 54-89]

THE UNITED CORP.

ORDER RELEASING JURISDICTION WITH RESPECT TO EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of May 1945.

The Commission by its order entered in the above proceeding on November 29, 1944 (Holding Company Act Release No. 5452) having approved a plan for the exchange on a voluntary basis of portfolio securities (common stock of Philadelphia Electric Company) and cash for outstanding shares of The United Corporation's \$3 Cumulative Preference Stock, and the Commission having reserved jurisdiction, among other things, with respect to the expenses involved in carrying out the plan; and

The United Corporation having submitted a statement with respect to the printing expense incurred in connection with said plan of exchange in the amount of \$8,437.57, and having requested the release of jurisdiction with respect thereto; and

It appearing to the Commission that said expense is not unreasonable and that it would be appropriate in the circumstances to grant United's request;

It is therefore ordered, That the jurisdiction reserved in the Commission's order of November 29, 1944 entered in the above entitled matter be, and hereby is, released insofar as it relates to the payment of printing expenses amounting to \$8,437.57.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8866; Filed, May 25, 1945;
11:15 a. m.]

[File No. 70-1067]

INTERNATIONAL UTILITIES CORP. AND GENERAL WATER GAS & ELECTRIC CO.

MEMORANDUM OPINION AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of May, A. D. 1945.

International Utilities Corporation ("International"), a registered holding company, and its subsidiary, General Water Gas & Electric Company ("General Water"), also a registered holding company, have filed a joint declaration with amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935. This joint filing is concerned with a proposed redemption by General Water of all its outstanding publicly held \$3 Cumulative Preferred Stock, consisting of 63,702 shares, at the redemption price of \$52.50 per share, or an aggregate of \$3,344,355, plus accrued dividends to the date of the redemption. By the terms of the joint declaration, as amended, International, as the owner of 4,255 shares of \$3

Cumulative Preferred Stock of General Water, undertakes not to present its holdings for redemption or otherwise to participate in the redemption at this time and General Water will discontinue, from the date of the redemption of the publicly held \$3 Cumulative Preferred Stock, the payment of any dividends on the shares of such stock held by International.

After appropriate notice, a public hearing was held. No representative of any public authority or other person appeared or otherwise indicated a desire to participate in the proceedings.

Having considered the record, the Commission makes the findings and issues the order herein set forth.

General Water presently controls five water companies and one natural gas company. A contract has been signed for the sale of one of the water companies and negotiations are in progress for the sale of the remaining water companies and the natural gas company. In addition to the 67,957 shares of \$3 Cumulative Preferred Stock of General Water noted above, General Water has outstanding 217,622 shares of Common Stock of which International owns 165,185 shares.

As at March 31, 1945, the net assets of General Water, per books, available for security holders totaled \$7,693,824, including cash in the amount of \$6,886,273.

The proposed redemption of the 63,702 shares of General Water's \$3 Cumulative Preferred Stock, the senior security outstanding, will utilize some of the funds General Water realized from the recent sale of its largest water properties.

Under section 12 (c) of the act and Rule U-42 promulgated thereunder, General Water may redeem the 63,702 shares of its publicly held \$3 Cumulative Preferred Stock only after a declaration filed with us in respect thereto has been permitted to become effective. We make no adverse findings in respect of this proposal and find that the applicable requirements of the act are satisfied.

It is therefore ordered, That the joint declaration of International and General Water be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8868; Filed, May 25, 1945;
11:15 a. m.]

[File No. 70-1074]

KINGS COUNTY LIGHTING CO.

NOTICE OF FILING OF AMENDMENT AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of May 1945.

An application or declaration (or both) having been filed with this Commission,

pursuant to the Public Utility Holding Company Act of 1935, by Kings County Lighting Company ("Kings"), a subsidiary of Long Island Lighting Company, a registered holding company, wherein, among other things, Kings proposed to issue and sell \$4,200,000 principal amount of 3½% First Mortgage Bonds, due June 1, 1975, to John Hancock Mutual Life Insurance Company, at a cash price of \$4,200,000, the proceeds, together with treasury cash, to be utilized by Kings to redeem its outstanding \$4,211,000 principal amount of First Refunding Mortgage Gold Bonds, due July 1, 1954, of which \$2,389,000 bears interest at 5% and \$1,822,000 at 6½%; and

The Commission having, on May 2, 1945 issued a notice of filing and order for hearing upon the said application or declaration (or both) (Holding Company Act Release No. 5771) and a hearing having been held thereon on May 17, 1945;

Notice is hereby given that an amendment to said application or declaration (or both) has been filed by Kings wherein it now proposes to issue and sell said \$4,200,000 principal amount of First Mortgage Bonds, due June 1, 1975, pursuant to the requirements of Rule U-50 promulgated under said act, the interest rate and sale price to be determined by competitive bidding; and, in the interim, Kings further proposes to issue and sell at a cash price of \$4,200,000 its promissory note payable to the National City Bank of New York in the principal amount of \$4,200,000 to mature not later than January 1, 1946, at an interest rate not in excess of 1½% per annum. The proceeds of the issue and sale of said note, together with treasury cash, will be utilized by Kings to redeem on July 1, 1945, at the redemption price of 105% of principal amount, its outstanding \$4,211,000 principal amount of First Refunding Mortgage Gold Bonds described above. Kings states that further details will be supplied by subsequent amendment.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such amendment:

It is ordered, That a hearing on such matters under the applicable provisions of said act and the rules of the Commission thereunder be held on May 31, 1945, at 11:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in room 318, and before the trial examiner heretofore designated to preside. All persons desiring to be heard or otherwise wishing to participate in said proceedings should file with the Secretary of the Commission, on or before May 30, 1945, his application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of the issues presented by said amendment, particular attention

will be directed at such hearing to the following matters and questions:

1. Whether the proposed issue and sale of said promissory note by Kings County Lighting Company comply with the applicable requirements of section 7 of the act.

2. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors or consumers and consistent with all applicable requirements of the act and of the rules thereunder, or, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the statutory standards.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8869; Filed, May 25, 1945;
11:16 a. m.]

WAR MANPOWER COMMISSION.

[Amdt. 4]

LOWER NAUGATUCK VALLEY, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Lower Naugatuck Valley Area, dated October 15, 1943 (9 F.R. 10902) is hereby amended as follows:

Section 9 of said program is hereby amended by adding the following new subparagraph: "Statements of availability be issued under all circumstances solely by local USES office."

Dated: February 22, 1945.

HENRY J. TIERNEY,
Acting Area Director.

Approved: March 3, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-8826; Filed, May 24, 1945;
12:02 p. m.]

[Amdt. 4]

NEW HAVEN, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the New Haven Area, dated October 15, 1943, (9 F.R. 11445) is hereby amended as follows:

Section 9 of said program is hereby amended by adding the following new subparagraph: "Statements of availability be issued under all circumstances solely by local USES office."

Dated: February 22, 1945.

HENRY J. TIERNEY,
Acting Area Director.

Approved: March 3, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-8828; Filed, May 24, 1945;
12:02 p. m.]

[Amdt. 1]

BOSTON REGION

INTERIM EMPLOYMENT STABILIZATION PROGRAM

The interim plan, effective April 1, 1944 for the stabilization of employment in areas in Region I, not subject to local voluntary employment stabilization programs, is hereby amended in the following respects:

1. Section 9 (c) of said plan is hereby amended by adding the following new subparagraph:

(5) The new employee is a male worker.

2. Section 10 of said interim plan is hereby amended by adding the following new paragraph:

Except as provided in section 9 (c), subparagraphs (1), (2), (3) and (4), the Regional Director may exclude from the requirement of Section 9 (c) (5), the following:

(a) An establishment that has less than eight employees,

(b) Any outlying community where the results obtained from the program would not warrant its operation,

(c) Other cases upon recommendation of the Management-Labor Committee.

3. Section 14 of said interim plan is hereby amended by inserting the following new paragraph as the second paragraph of said section, thereby making the present second paragraph, the third paragraph thereof:

The Regional Manpower Director may fix for all or any establishments in Region I covered by this plan, fair and reasonable employment ceilings and allowances, limiting the number of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Regional, State or Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

Dated: March 3, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-8823; Filed, May 24, 1945;
12:02 p. m.]

[Amdt. 2]

BOSTON REGION

INTERIM EMPLOYMENT STABILIZATION PROGRAM

The interim plan, effective April 1, 1944, for the stabilization of employment in areas in Region I, not subject to local voluntary employment stabilization programs, is hereby amended in the following respect:

Section 16 is hereby amended by inserting the letter (a) at the beginning of the section as previously adopted and adding the following paragraph:

(b) The Regional Manpower Director, after consultation with the Regional Management-Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Service Offices located within the region. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the region.

Dated: March 3, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-8824; Filed, May 24, 1945;
12:02 p. m.]

[Amdt. 3]

BOSTON REGION

INTERIM EMPLOYMENT STABILIZATION PROGRAM

The interim stabilization program effective April 1, 1944 for the stabilization of employment in Areas in Region I not subject to local voluntary employment stabilization programs is hereby amended in the following respects:

1. Section 2 (d) of said plan, which defines a critical occupation is hereby deleted.

2. Section 2 (e) of said plan, which defines an additional controlled occupation is hereby deleted.

3. Section 2 (f) of said plan, is hereby re-numbered to become identified as section 2 (d).

4. Section 2 (g) of said plan, is hereby re-numbered to become identified as section 2 (e).

5. Section 2 (h) of said plan, is hereby re-numbered to become identified as section 2 (f).

6. Section 9 (c), (1) and (2) of said plan are hereby deleted.

7. Section 9 (c) (3) of said plan is hereby changed to become identified as paragraph (c) (1).

8. Section 9 (c) (4) of said plan is hereby changed to become identified as paragraph (c) (2).

9. Section 12 of said plan is hereby amended by deleting from said section the words, "a statement as to whether or not the individual's last employment was in a critical or additional controlled occupation", which follows the words "date of issuance".

10. Appendix A to said plan is hereby deleted.

11. Amendment No. 1 to said plan is hereby amended by changing the identity of subparagraph (5) under section 1 of the amendment affecting section 9 (c) of said interim plan, and is hereby changed to become identified as subparagraph (3).

12. Amendment No. 1 to said plan is hereby amended by changing the text under paragraph 2 to read:

Section 10 of said interim plan is hereby amended by adding the following new paragraph:

(g) Except as provided in section 9 (c), subparagraphs (1) and (2), the Regional Director may exclude from the requirements of section 9 (c) (3) the following:

Dated: December 29, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-8825; Filed, May 24, 1945;
12:02 p. m.]

[Amdt. 4]

BOSTON REGION

INTERIM EMPLOYMENT STABILIZATION PROGRAM

The interim employment stabilization program for Region I, dated April 1, 1944, (9 F.R. 5326) is hereby amended as follows:

1. Section 3 of said plan is hereby amended by adding the following new paragraph: "An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program."

2. Section 6 of said plan is hereby amended by adding the following new paragraph: "Any period of employment in which a worker was employed in violation of the provisions of this employment stabilization plan shall be disregarded for the purposes of applying the clause 'preceding 60-day period' contained in this section."

Dated: May 7, 1945.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 45-8827; Filed, May 24, 1945;
12:02 p. m.]

WAR PRODUCTION BOARD.

[Certificate 31, Revocation]

OVERSEAS STEEL CONTAINER CORP.

PLAN FOR ORGANIZATION AND OPERATION

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw the certificate and finding dated February 8, 1943, concerning a plan for the organization and the operation of Overseas Steel Container Corporation and the participation therein of various companies in the steel shipping container industry.

Dated: May 21, 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-8851; Filed, May 25, 1945;
10:29 a. m.]

[Certificate 213]

EASTERN MOUNTAINS INDUSTRIES

PLAN OF ORGANIZATION, PROCEDURE AND OBJECTIVES

The ATTORNEY GENERAL.

I submit herewith the recommendation of the Chairman of the Smaller War Plants Corporation concerning the plan of organization, procedure, and objectives of the Eastern Mountains Industries, 1400 Union Building, Charleston, West Virginia,¹ organized for the purpose of undertaking prime Government contracts or contracts from suppliers of the Government for manufacturing articles, equipment, supplies, and materials for war and essential civilian requirements.

For the purposes of section 12 of Public Law 603, 77th Congress (56 Stat. 357), I approve the plan referred to in the recommendation, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan is requisite to the prosecution of the war.

J. A. KRUG,
Chairman.

MAY 21, 1945.

[F. R. Doc. 45-8852; Filed, May 25, 1945;
10:29 a. m.]

[C-344]

J. STANLEY TUNNEY

CONSENT ORDER

J. Stanley Tunney, residing at Seaside Heights, New Jersey, is charged by the War Production Board, with doing construction, between October 1, 1944 and December 31, 1944, on three adjoining bungalows on Harding Avenue between Grand Central Avenue and the Railroad at Seaside Heights, New Jersey,

¹ Filed as part of the original document.

at an approximate cost of \$2,000, without securing approval from the War Production Board, and in violation of Conservation Order L-41, which limits residential construction to \$200 for a house, without permission from the War Production Board.

J. Stanley Tunney admits the violation as charged but states that his actions were not wilful, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of J. Stanley Tunney, the Regional Compliance Manager and the Regional Attorney, and upon approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) J. Stanley Tunney shall do no further construction on his bungalows on Harding Avenue between Grand Central Avenue and the Railroad, Seaside Heights, New Jersey, nor at any other location, including putting up, altering or finishing structures already commenced, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve J. Stanley Tunney from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to J. Stanley Tunney, his successors or assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly, of any such action.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8870; Filed, May 25, 1945;
11:28 a. m.]

[C-345]

THE TIMES CO.

CONSENT ORDER

The Times Company is a corporation with its principal place of business at Davenport, Iowa. During the first and third calendar quarters of 1943 and the first, second and third calendar quarters of 1944 it used or caused to be used in the publication of The Daily Times print paper in excess of its quota established by Limitation Order L-240 amounting to 114 tons. The Times Company admits such excess usage of print paper and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of The Times Company, the Regional Compliance Chief, the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) The Daily Times, its successors and assigns, shall reduce its consumption of print paper during each of the second, third and fourth quarters of 1945 and the first quarter of 1946, so that its total usage for each of such quarters shall be 20 tons, 30 tons, 34 tons and 30 tons, respectively, less than it would otherwise be permitted to use during each of those quarters under the provisions of Limitation Order L-240, unless otherwise authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve The Times Company, its successor or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 25th day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-8871; Filed, May 25, 1945;
11:28 a. m.]